

Submission by Deidre Stuart to NSW IPC regarding Wollongong Coal Ltd's proposed Russell Vale Underground Expansion Plan (MP09_0013)

27 October 2020

Dear Commissioners,

For me, what I care about, very deeply, is ecologically sustainable development.

I object very strongly to this proposal and ask you to reject this project outright on the grounds that approving this mine in any form with any conditions would be contrary to several of the objects of the EP&A Act. The proposed coal mine expansion is fundamentally inconsistent with facilitating ecologically sustainable development.

Bias in NSW Planning Secretary's Final Assessment Report

I want to express my objection very strongly to the overall bias of the NSW Planning Secretary's September 2020 *Final Assessment Report* (FAR) – though I can truly say that after years now of reading DPIE reports related to this colliery and its proposals, such bias in favour of the mine no longer shocks me as it did the first time. Since then I have also become aware that NSW Planning conditions of approval related to the already underway First Workings and earlier Wollongong City Council consent conditions related to Russell Vale colliery lands – though they might read well and sound like they are meant to protect the environment and to protect residents – in practice mean nothing and are not protections at all because they are not effectively enforced¹.

NSW Planning has already recommended twice that earlier versions of this Underground Expansion Plan were in the public interest and should be approved subject to conditions. In 2015 a first PAC review found that much more information was required before any determination could be made. In 2016 the second PAC report concluded that the social and economic benefits of the Preferred UEP were most likely outweighed by the magnitude of impacts to the environment. In response to this, the main 'benefit' of the current WCL proposal is that it proposes bord-and-pillar rather than longwall coal mining. And this 'benefit' seems to be the argument for the project's approval that NSW Planning now takes throughout its FAR. That is, frequently the FAR 'assesses' WCL's RV UEP *Revised Preferred Project* against the earlier longwall proposed UEP, rather than the non-approval option (*ie* no further coal mining at Russell Vale) which the community expects that it should be compared against. This is biased and false framing.

If you have a long-term smoker parent with lung disease and frequent shortness of breath, coughing and spluttering but not quite lung cancer (yet), you will not celebrate much if that parent reduces from a one-packet-a-day habit to a half-a-packet-a-day habit. If your parent was begging, just let me smoke half-a-packet-a-day, you would not agree and say then well that's good because you have reduced by half. No, you would urge your parent to give up smoking entirely and protect what health they have left, and hope for some recovery of their bodily systems. That is, if you were assessing costs/benefits, you would compare the various smoking options to no-smoking as the reference comparison.

¹ There are numerous examples of NSW approval conditions and WCC consent conditions not effectively enforced – providing a few examples below WCL is a repeat offender. <https://www.epa.nsw.gov.au/news/media-releases/2016/epamedia16071501>; <https://www.resourcesregulator.nsw.gov.au/compliance-and-enforcement/prosecution-summaries>; <https://www.resourcesregulator.nsw.gov.au/news/2019/mining-operations-cease-at-wongawilli> ; <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17090601>; <https://www.illawarramercury.com.au/story/5550041/wollongong-miner-ordered-to-shift-another-unlawful-stockpile/> <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/July-2020-formal-enforcements/Penalty-Notice-and-Development-Control-Order-issued-to-Wollongong-Coal-Limited>

NSW Planning Secretary’s Final Assessment Report misses important strategic contexts relevant to this project

Moreover, more than a decade has passed since Gujarat first submitted its UEP to NSW Planning. In the intervening time, Australia has ratified the UNFCCC Paris Climate Agreement, agreeing to reduce GHG emissions by 26-28 % below 2005 levels by 2030². And earlier this year the NSW government has committed to a 35% reduction in GHG emissions below 2005 levels by 2030 on top of the existing net-zero commitment by 2050³. The United Nations has also declared a global species extinction crisis⁴ with Australia’s mammalian extinction rates very high⁵. Further, earlier this year the Samuels-led EPBC Act review panel’s interim report’s first summary point was:

*Australia’s natural environment and iconic places are in an overall state of decline and are under increasing threat. The current environmental trajectory is **unsustainable**⁶. [my highlight]*

These are relevant strategic contexts for this project and yet where do they appear in the NSW Planning’s FAR? Why is consideration of the project’s GHG emissions contributions specifically downplayed so blatantly? In their proposed endangered ecological community listing for Coastal Upland Swamps in the Sydney Basin bioregion, the NSW Scientific Committee specifically identified anthropogenic climate change as a key threatening process under the *Threatened Species Conservation Act 1995* for these ecosystems⁷. So the project’s estimated GHG emissions – all scope categories – have relevance not only to how much of our ongoing Australian/NSW GHG emissions budgets we should allocate to this project (if any), but also to ongoing damage and stress on the precious upland swamp ecosystems that are supposedly now protected by reversion to bord-and-pillar mining. Hardly.

The project projected estimated Greenhouse Gas Emissions are incompatible with Australia’s commitments to towards limiting global warming to 2°C

The table below shows the project’s projected estimated total GHG emissions over the five-year life of the project⁸:

Table 3.1 GHG Emission Summary for the Revised Preferred Project

Stage	Scope	Source	Source Totals (t CO ₂ -e)	Scope Totals (t CO ₂ -e)
Life of Mine	Scope 1 (Direct)	Diesel use	6,097	1,418,997
		Fugitive emissions	1,412,900	
	Scope 2 (Indirect)	Electricity	103,500	103,500
	Scope 3 (Indirect)	Product use	9,192,798	9,623,427
		Associated with energy extraction and distribution	15,163	
		Product transport	415,117	
		Waste transport	349	
Total GHG Emissions for Operations				11,145,924

² https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/ParisAgreement

³ <https://www.environment.nsw.gov.au/topics/climate-change/net-zero-plan>

⁴ <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>

⁵ Australia has the highest mammalian extinction rate. <https://www.smh.com.au/environment/conservation/australia-leads-on-extinction-rate-report-20180311-p4z3vn.html>

⁶ The very first statement in the Summary Points of the Interim Report of the Independent Review of the EPBC Act (2020) <https://epbcactreview.environment.gov.au/resources/interim-report/summary-points>

⁷ See point 17 at <https://www.environment.nsw.gov.au/determinations/coastaluplandswampPD.htm>

⁸ From Umwelt (2019) Greenhouse Gas Assessment. Appendix 8 (starts page 707). Within Umwelt (2019) Russell Vale Revised Underground Expansion Project: Revised Preferred Project Report and Response to Second PAC Review FINAL https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP09_0013%2120200820T023241.228%20GMT

The Scope-1 emissions and Scope-2 emissions combined amount to 1,522,497 t CO₂e total or 304,500 t CO₂e/year and the Scope-3 emissions amount to 9,623,427 t CO₂e total or 1,924,685 tCO₂/year.

Australia's Paris obligation is to reduce its emissions by 26%–28% (on 2005 levels) by 2030 which according to Government documents⁹ translates to a 2030 target of 441–452 Mt CO₂e. Ignoring the false accounting of claiming an 'over-achievement' in emissions reductions against the Kyoto protocol, then the Australian Government emissions projections 2019¹⁰ indicate that emissions reductions of emissions reductions of 395 to 462 Mt CO₂e between 2021 and 2030 are required. This equates to an average required emissions reduction of 39.5 to 46.2 Mt CO₂e year on year from 2021 to 2030. Thus this project would add equivalent to as much as 0.77% (more than one-onehundredandthirtieth) of the required Australian-wide reduction as extra emissions that would then have to be reduced annually. Australia is already struggling and is not on track with its Paris commitment.

Similarly NSW has a commitment of an emissions reduction of 35% on 2005 levels by 2030. In 2005, NSW's emissions were 161.9 Mt CO₂e¹¹, therefore a 35% reduction equates to 56.7 Mt CO₂e leaving 105.2 Mt CO₂e. In 2016, NSW's reported emissions were 131.6 Mt CO₂e, so over the 2016-2030 14-year period, then the average emissions reduction required year-on-year is 1.89 Mt CO₂e. Thus the project's combined Scope-1 and Scope-2 emissions (304,500 t CO₂e) would add equivalent to more than 16% of NSW's required emissions reductions (almost one sixth) as extra state emissions that would need to be reduced annually.

Whether considered in the Australian or NSW-state context, this project's reportable *domestic* GHG emissions are very significant allowance for a single corporation's single operation – and completely unjustifiable in terms the purported benefits.

This discussion of GHG emissions so far does not even consider the enormous Scope-3 emissions (9,623,427 t CO₂e total or 1,924,685 tCO₂/year). Based on 2016 emission data and analyses in a 2019 Australia Institute report¹², Australia domestically was a major GHG polluter with higher emissions than 90% of countries and contributed 1.4 % of global emissions. We ranked seventh in the world for emissions per person and first among OECD countries for emissions per person. This is shameful enough, but as an exporter we were even worse. Australia's exported emissions were more than twice our domestic emissions. We were the third biggest fossil fuel exporter globally by CO₂e potential, with coal constituting more than 80% of our fossil fuel emissions potential. While the world as a whole needs to reduce use of coal as a primary energy source by at least 59 % by 2030 to stay within 1.5 °C warming¹³, we as a country clearly have to play a major part in reducing our coal exports to help this occur. We cannot behave like a drug-dealer, supply the coal but then wash our hands of responsibility for the consequences of its use. We in NSW and Australia need to say no to this Russell Vale coal mine expansion proposal. It would be immoral to do otherwise.

Local and international demand for coking coal will decline as a transition (already underway) to green steel occurs. Planning approvals need to reflect and encourage this forward-thinking reality rather than attempt, with closed eyes, to perpetuate *business as usual*.

A transition to *Green Steel* is underway internationally and beginning also even in Australia. Australia needs to transition its steel industry completely and to refuse all further coking coal expansion applications. Moreover there is significant employment opportunity associated with a green steel transition. The

⁹ Commonwealth of Australia (2015) Australia's 2030 climate change target

https://www.pmc.gov.au/sites/default/files/publications/fact_sheet-aus_2030_climate_change_target.pdf

¹⁰ Commonwealth of Australia (2019) Australia's Emissions Projections 2019 <https://www.industry.gov.au/sites/default/files/2020-07/australias-emissions-projections-2019-report.pdf>

¹¹ Calculated based on data stating emissions of 131.6 MtCO₂e in 2016 equate to an 18.7% reduction on 2005.

<https://www.soe.epa.nsw.gov.au/all-themes/climate-and-air/greenhouse-gas-emissions>

¹² The Australia Institute (2019) *High Carbon from a Land Down Under*,

https://www.tai.org.au/sites/default/files/P667%20High%20Carbon%20from%20a%20Land%20Down%20Under%20%5BWEB%5D_0.pdf

¹³ Figure SPM.3b, p14 IPCC (2018) *Summary for Policymakers*. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. In Press. <https://www.ipcc.ch/sr15/chapter/spm/>

transition to green steel means that coking coal developments may become stranded assets, and communities like Wollongong may be left with unwanted coal stockpiles, and unremediated coal mines.

There are alternatives to producing steel using coking coal. Already about 26 % of the world's steel is made without coking coal¹⁴. Also, technological innovations are currently underway that will likely make *green* steel, produced without the use of coking coal or any fossil fuels, competitive on a cost-basis within the next decade¹⁵. Even an non-expert like me is becoming aware of such developments:

- Australia & various: Whyalla Liberty green steel plan: UK-based GFG Alliance to be carbon neutral by 2030 across all its steel and aluminium operations worldwide (<https://ieefa.org/u-k-industrial-magnate-pursues-green-steel-transition-at-south-australias-whyalla-facility/>; <https://www.qfgalliance.com/cn30/>) At the Whyalla steelworks in South Australia they are intending to increase scrap metal recycling using renewable-powered electric arc furnaces (EAF); they are also constructing a larger capacity direct reduce iron furnace that would use hydrogen and which would feed the EAFs. The change is part of a major upgrade of the plant that is scheduled to be completed in 2024.
- Sweden: SSAB/HYBRIT fossil-fuel steel (<http://www.hybritdevelopment.com/>) where hydrogen replaces coking coal as the reductant in the process.
- USA: Boston Metal (<https://www.bostonmetal.com/home/>) using a different process to produce steel - molten oxide electrolysis. Boston Metal are interested in investing in green steel production in Australia, though the location is undecided at the moment (based on communications with authors of BZE report *Million Jobs Plan* https://bze.org.au/wp-content/uploads/BZE-Million-Jobs-Plan_FINAL_web.pdf).
- Germany: Thyssenkrupp is committing also to green steel made also using hydrogen route (<https://www.thyssenkrupp.com/en/newsroom/press-releases/pressdetailpage/electrical-hot-metal-from-blast-furnace-20--thyssenkrupp-presents-federal-economics-minister-altmaier-and-state-premier-laschet-innovative-concept-for-green-transformation-of-duisburg-steel-mill-85723>). I understand that this is the largest steelmaker in the EU.
- Further Australian employment/potential context: <https://grattan.edu.au/report/start-with-steel/>; <https://grattan.edu.au/news/australians-want-industry-and-theyd-like-it-green-steel-is-the-place-to-start/>; <https://energy.anu.edu.au/files/2020%2007%2001%20ANU%20Energy%20Change%20Institute%20Technology%20Investment%20Roadmap%20response.pdf>

This is not an exhaustive search as I have not searched in languages other than English. There is a role for government to assist with a green steel transition and I note also that green steel is included in the Australian government DISER's recent *Technological Investment Roadmap*¹⁶. Not surprisingly, decarbonisation of the steel industry also is considered in the NSW Chief Scientist & Engineer very recent (August 2020) report into decarbonisation innovation in the NSW context¹⁷. This is part of the wider strategic context which should be considered when determining whether to grant approval to this project. Will this project contribute towards a positive future for our area and for the world, or will it more likely detract from a positive future? I note that decarbonisation of steel in some parts of the world will likely both support and pressure-drive a shift to decarbonised steel elsewhere. Of course I hope that some Indian steelmakers are already transitioning, but even if not, I see no justification for Australia to continue to supply coking coal to India, let alone to such a disreputable company as Jindal Power and Steel (the parent company of Wollongong Coal Ltd).

Approval of this project would be contrary to the objects of the NSW EP&A Act

I understand that it is your duty to make a decision on this project, that is consistent with the NSW *Environmental Planning and Assessment Act* (EP&A 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.

¹⁴ Point 547 by Justice Brian Preston indicates that 74 % of the world's steel is made using the BOF process relying on coking coal. In *Gloucester Resources Limited v Minister for Planning* [2019] NSWLEC 7.

<https://www.caselaw.nsw.gov.au/decision/5c59012ce4b02a5a800be47f>

¹⁵ See

<https://energy.anu.edu.au/files/2020%2007%2001%20ANU%20Energy%20Change%20Institute%20Technology%20Investment%20Roadmap%20response.pdf>

¹⁶ See <https://www.industry.gov.au/sites/default/files/September%202020/document/first-low-emissions-technology-statement-2020.pdf>

¹⁷ NSW Chief Scientist & Engineer (2020) Opportunities for prosperity in a decarbonised and resilient NSW: Decarbonisation Innovation Study. https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0004/321466/Final-Report-Decarbonisation-Innovation-Study.pdf

NSW Planning's FAR spends less than one page (in Appendix D, page A16, copied in below¹⁸) discussing this project against the Act's relevant objects. I consider that not only is that assessment very limited, it is also very biased with misleading framing. The FAR compares the current proposal against earlier proposal versions, rather than against no ongoing coal mining at Russell Vale (except when considering immediate short-term jobs). Such bias is also evident in this part of their report (copied below):

Objects of the EP&A Act

Table C1 | Consideration of the proposal against relevant objects of the EP&A Act

Objects of the EP&A Act	Consideration
(a) <i>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>	The Revised UEP meets this object because it: <ul style="list-style-type: none"> represents a continuation of a long-standing historical land use which is permissible on the subject land; would involve substantial improvements to the surface facilities operations to minimise noise and air impacts on the community; would provide substantial royalties of up to \$33.2 million (present value); and would provide considerable employment and economic benefits to the region.
(b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;</i>	The Revised UEP is consistent with ecologically sustainable development principles as it would: <ul style="list-style-type: none"> result in negligible subsidence-related risks and impacts to built or natural features, including the Cataract Reservoir or upland swamps; not require clearing of any native vegetation; provide employment and business opportunity in the local/ regional area using an existing/ upgraded infrastructure area; provide a high quality metallurgical coal resource for steel making while contributing to royalties to the NSW Government; have no impact on Aboriginal cultural heritage or historic heritage.
(c) <i>to promote the orderly and economic use and development of land;</i>	The Revised UEP represents a continuation of a long-standing historical land use which is permissible on the subject land. The proposed surface facilities would be constructed and operated within the current surface facilities boundary, and would not require clearing of native vegetation. The proposed underground operations would result in negligible subsidence-related risks or impacts to built or natural features within the drinking-water catchment.
(e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;</i>	The Revised UEP meets this objective as it would result in improvements to the surface facilities operations to minimise noise and air impacts on the community. The Revised UEP would result in negligible environmental consequences to native plants and animals, ecological communities or their habitats, including upland swamps.
(f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage); and</i>	The Revised UEP would not directly impact Aboriginal cultural heritage or historic heritage.
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State;</i>	The Department has assessed the Revised UEP application in consultation with Wollongong City Council, Wollondilly Shire Council and other relevant NSW government authorities, and given consideration to the issues raised by these agencies in its assessment.
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Department publicly exhibited the Revised UEP application and considered all submissions in its assessment.

¹⁸ 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>

I provide what I consider to be a more thorough (though necessarily cursory) *Consideration of the proposal against relevant objects of the EP&A Act*, below. I include the original NSW Planning text in black, but add my own text in red.

Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(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</p>	<p>The Revised UEP meets this object because it:</p> <ul style="list-style-type: none"> • represents a continuation of a long-standing historical land use which is permissible on the subject land; • would involve substantial improvements to the surface facilities operations to minimise noise and air impacts on the community; • would provide substantial royalties of up to \$33.2 million (present value); and • would provide considerable employment and economic benefits to the region. <p>The Revised UEP does not meet object (a).</p> <p>I note that OBJECT (a) does not require just merely some economic gain somewhere to some already privileged person/group within our society. Rather it refers to <i>community</i> and implies the distribution of both social and economic welfare be interpreted widely rather than narrowly: people as a whole rather than focusing on specific individuals or groups; and also people across geographical spaces spanning immediate neighbours to Wollongong/Illawarra and perhaps even wider – NSW/Australia/global? In addition to (rather than as an alternative to) social/economic community benefit, I note that this object also requires promotion of environmental benefit.</p> <p><u>Economic community welfare:</u></p> <p>Potential employment economic benefits to the community via employment of about 200 people for 5 years and IF WCL pays projected royalties and taxes. I note that WCL declared losses over the last 7 years and so had paid no tax. Further, that WCL is in a dire financial situation still now, with its liabilities exceeding its assets by more than \$1 billion (in 2020)¹⁹.</p> <p><u>Social community welfare:</u></p> <p>We can expect that Wollongong/Illawarra people directly or indirectly employed through this WCL RV operation will experience some social welfare benefit related to their employment. However, I am aware that even those who are supposedly recipients of such social welfare – <i>ie</i> some local coal miners - are already expressing personal discomfort about their role in environmental destruction to community others. They ask us, what other well-paid jobs are there around? They are also concerned for their children. And aside from coal miners or associated business people who at least get a financial benefit, how does the project contribute to the greater community welfare? It doesn't. Numerous local residents will be impacted by dust, noise, traffic, restricted access to escarpment walks. Wollongong LGA and community will bear risks associated with very local environmental impacts (dust health impacts, water pollution to creeks, escarpment damage/access denial, increased bushfire hazard, picking up the pieces after this dodgy near-bankrupt company who could up and leave at any time). Many people also feel mental distress and hopelessness and helplessness about a future in which our environment is trashed and fossil-fuel developments are favoured over renewable-energy and circular-material economic approaches. People who I speak to, want to see science prevail over politics, and want displaced workers (coal and others) to be supported during a transition prompted by covid-19 and climate-change action (<i>ie</i> new employment opportunities locally).</p> <p><u>Better environment:</u></p> <p>This project simply does not promote a better environment. It contributes to GHG emissions (estimated scope 1,2&3 as well as unestimated GHG emissions likely via delayed degradation of swamps, fires through swamps etc); further geological structural damage; damage to endangered coastal upland swamp ecological communities; water relocations; water pollution; increased risks for other adverse environmental impacts etc.</p>

¹⁹ Wollongong Coal Ltd, Annual Report 31 March 2020, p 97 <http://wollongongcoal.com.au/annual-report/>

Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</p>	<p>The Revised UEP is consistent with ecologically sustainable development principles as it would:</p> <ul style="list-style-type: none"> • result in negligible subsidence-related risks and impacts to built or natural features, including the Cataract Reservoir or upland swamps; • not require clearing of any native vegetation; • provide employment and business opportunity in the local/ regional area using an existing/ upgraded infrastructure area; • provide a high quality metallurgical coal resource for steel making while contributing to royalties to the NSW Government; • have no impact on Aboriginal cultural heritage or historic heritage. <p>The revised UEP does not meet object (b), as it is both inconsistent with ecologically sustainable development (ESD) principles itself, and it is also inconsistent with facilitating ESD into the future. I find it shocking that the NSW Planning Secretary's FAR pronounces that the revised UEP is consistent with ESD principles without even considering any of those principles in detail.</p> <p>The Australian National Strategy for Ecologically Sustainable Development defines ESD as: <i>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.</i>²⁰</p> <p>And I note that the NSW <i>Protection of the Environment Administration Act 1991</i> (PEA Act)²¹ describes ESD as <i>the effective integration of social, economic and environmental considerations in decision-making processes</i>, and lists the implementation of four principles/programs as leading to ESD:</p> <ol style="list-style-type: none"> 1. Precautionary principle 2. Inter-generational equity 3. Conservation of biological diversity and ecological integrity 4. Improved valuation, pricing and incentive mechanisms <p>I quote PEA Act explanations below as I assess this project against each principle/program contained within the PEA Act.</p> <p>---</p> <p><u>INCONSISTENT with precautionary principle</u> (<i>if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. ... Guided by... avoid wherever practicable, serious or irreversible damage to the environment & an assessment of the risk-weighted consequences of various options</i>).</p> <p>The revised UEP would:</p> <ul style="list-style-type: none"> • Release further unnecessary GHG emissions thereby contributing to human-induced climate change which IPCC²² reports over many years have highlighted as already causing serious and irreversible environmental damage, and with potential also for runaway climate change if tipping points are exceeded (if not already). These reports also highlight potential catastrophic consequences not only for human societies but also for other species, ecosystems and even massive changes to the physical nature of the world we live in. The earth's whole biosphere will be impacted. The threat really does not get much more serious than this for me – first and foremost I am a human animal who relies on the environment to support me. The Pentagon in the USA is concerned that climate change will destabilise the global geopolitical order²³. A massive collapse of the human species population is not impossible. • Perpetuate/prolong use of fossil fuels, and in doing so would be postponing action and policy measures which would limit/prevent further damage to our climate system.

²⁰ 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>

²¹ <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/act-1991-060#sec.3>

²² Intergovernmental Panel on Climate Change. <https://www.ipcc.ch/>

²³ The Guardian (2019) If the US military is facing up to the climate crisis, shouldn't we all? 13 Nov 2019.

<https://www.theguardian.com/commentisfree/2019/nov/12/us-military-pentagon-climate-crisis-breakdown->

- Potentially further destabilise, and cause collapse of, pillar supports in the overlying bord-and-pillars in the Bulli seam²⁴, resulting in surface damages such as 1.77 m subsidence (already reported), fractures/ cracking/ tilting/ hogging etc. All this has potential to significantly change water flows in surface and groundwaters of overlaying endangered coastal upland swamp ecological communities. These systems rely on adequate water availability and will be damaged, likely irreparably. I note that the IEPMC part-2 report found no evidence that these swamps can be remediated²⁵.

Clearly, approving such a project is not consistent with the precautionary principle. The risks are too great, even if there is still some uncertainty.

The alternative to approving this project is that coal mining at Russell Vale would likely cease and that the proponent would be required to undertake remediation. Considering the local geographical context, this remediation option is by far less risky and more favourable. Considering the wider context, cessation of a supply of coking coal would put more pressure on steel manufacturers to commit to and then hasten actions towards decarbonisation. In 1950 (?) the USA committed to land astronauts on the moon within one decade and then achieved this goal (with wider employment, technological development benefits on the side). A rapid transition to green steel (within 5 years or 10 years) is much less ambitious – and much more necessary – given all the research and commercial development already in this space. All that is needed is political will and commitment. Continuing allowing the mining of coking coal delays political commitment.

INCONSISTENT with inter-generational equity principle (*the present generation should ensure that the health, diversity and productivity of the environment are maintained and enhanced for the benefit of future generations*).

The revised UEP would:

- Contribute to GHG emissions whose greatest climate-change impacts (higher temperatures, extreme weather events, ecosystem collapses, water & food shortages, geopolitical instability etc) will be experienced by younger/future generations.
- Cause further damage to the water catchment ecosystems above, affecting water flows, with more water than otherwise being lost from surface and groundwaters and ending up in mine voids. Upland swamps that currently retain moisture and facilitate localised wet weather events and that help protect against spread of bushfire, will likely be in a much more diminished state in years to come (due to time delays), and the effects of their destruction or damage will likely impact future generations more than current generations.
- Contribute further to an already evolving water pollution problem, which at some date in the future (projected 2057) will need to be dealt with by future generations as it would spill out mine adits, and require treatment to remove heavy metal and other pollutants. The proponent proposes to treat the polluted water for ten years, but even if that occurs, future generations will incur the costs and impacts associated with dealing with this polluted water thereafter indefinitely.

Approving this project simply will not ensure that the health, diversity and productivity of the environment are maintained and enhanced for the benefit of future generations.

INCONSISTENT with conservation of biological diversity and ecological integrity principle (*the conservation of biological diversity and ecological integrity should be a fundamental consideration*).

This proposal - through its GHG emissions; risk of geological surface impacts; indirect and direct impacts on water flows and its water pollution impacts; as discussed earlier – is clearly not consistent with conserving biological diversity and ecological integrity. The coastal upland swamps are listed as endangered in

²⁴ IPC meeting with Resource Regulator (13 Oct 2020) Transcript of video-conference proceedings.

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2020/russell-vale-uep/201013-meeting-with-resource-regulator-transcript.pdf>

²⁵ IEPMC (2019) Report of the Independent Expert Panel for Mining in the Catchment: Part 2 Coal Mining Impacts in the Special Areas of the Greater Sydney Water Catchment 14 October 2019 p 67. https://www.chiefscientist.nsw.gov.au/data/assets/pdf_file/0005/281732/IEPMC-Part-2-Report.pdf

both national and state legislation and provide habitat to endangered flora and fauna species. But likely, there is much we don't already know about these ecosystems and potentially even more species and biodiversity at risk. Most people do not even consider microbiological biodiversity and richness when discussing these matters, yet microorganisms are responsible and necessary for most of the transformations of matter in global biogeochemical cycles. People generally consider microorganisms (viruses, bacteria, fungi/yeasts etc) with suspicion, but microorganisms are foundational in our world, and play important beneficial roles in ecosystems and their functioning. We stand to lose microbiological biodiversity too.

INCONSISTENT with improved valuation, pricing and incentive mechanisms principle (so that environmental factors are included in the valuation of assets and services including: (1) polluter pays; (2) users of goods/services should pay prices based on the full life cycle of costs; (3) environmental goals, having been established should be pursued in the most cost effective way).

This proposal is inconsistent with internalisation of otherwise externalised environmental costs. And shamefully, the NSW FAR- proposed conditions²⁶ are vague, proposing lots of *plans* that would need to be developed after approval is granted rather than stipulating specific requirements though there is much opportunity to do so.

(1) *Polluter pays*. The polluters in this context are WCL and the downstream users of the mined coal. There are several types of pollution involved: GHG emissions, air-borne coal dust pollution (PM2.5, PM10, TSP, deposited dust); noise pollution (onsite operations, trucks); water pollution (run-off from pit-top site, erosion sediments, groundwater, surface waters, and from adit discharges) etc. Nowhere in provided documents is it clear that the polluters are going to pay. We could require for instance, at the very least, that **all scope 1,2&3 GHG emissions are offset** prior to the start of mining, by accredited reforestation in Australia. To ensure adherence to the polluter-pays concept, offsetting all emissions could be costed by the IPC and then the company required to pay that cost immediately (if approval was granted). As the coal is to be exported to India, Australia has no capacity for ensuring emissions generated by its combustion in that country are offset – so scope-3 emissions would need to be fully offset here. But what about the other pollution types listed above? How will they be addressed appropriately to ensure that the current community and future generations are not left paying costs instead of the proponent? Mostly people in the community, *ie* not the polluter, will be enduring noise (affecting sleep, stress, health), dust in their lungs, homes and damaging their property etc. I personally will not be compensated for resulting health impacts or for the damage that coal dust does to my vehicle or for costs associated with having to clean my car. There will continue to be many hidden externalised social and environmental costs no matter what *plans* are approved by the NSW government. And that is assuming (flying in the face of reality) that WCL would adhere to agreed plans or pay imposed costs!

(2) *User pays full lifecycle costs*. I cannot find anything within the proposal itself or within NSW Planning's FAR or within NSW Planning's recommended conditions where the full lifecycle costs are itemised and estimated, let alone any clear intent for users to pay full lifecycle costs. How would this even be possible to do when there are likely so many as-yet-unknown costs and adverse impacts associated with this mining proposal? Even with projected GHG emissions there is no carbon price requirement.

What really concerns me is that ESD principles also usually consider intra-generational equity. This principle is not explicit in NSW law, but it is relevant here. The current approach to assessing intrinsically environmentally damaging projects is to allow them and to patch up the problems afterwards, rather than to prevent the problems and damage in the first place. What happens is that the full lifecycle costs are ignored in this process. The patched up version is never as good as the undamaged version – some important values are lost.

²⁶ <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/russell-vale-revised-uep-recommended-conditions.pdf>

	<p><u>Desalination plants:</u> I have had it said to me at least twice while meeting with government/WCL people that well, if damage to the water catchment does occur, leading to further losses of water, then Sydney can just build another desalination plant. This is utterly infuriating because while coal companies get the profits from mined coal, they will not be paying for new desalination plants or for their maintenance and operation. This shifts the cost to ordinary people in the community who get no benefit from coal mining but have to pay costs. And additional costs for water will be felt most hard by the less-affluent in our society.</p> <p><u>Indigenous cultural heritage:</u> Similarly, damage done to country and Indigenous cultural heritage happens. Who pays? - Indigenous people and the wider community pay, not WCL. Again, Indigenous people in our society are already very disadvantaged, and further hardship is unfair and inequitable.</p> <p>(3) <i>Most cost effective pursuit of environmental goals.</i> Approving this project would increase the amount of GHG emissions Australia and NSW need to reduce in order to achieve their climate change commitments. The task of reducing emissions is already difficult and fraught, with neither the Australian or NSW government as yet even articulating a detailed emissions budget and actions plan that leads to the desired goal. So I cannot conceive how making the task bigger is going to make it more cost effective. The most cost effective option in line with the now already established Australian and NSW emissions reductions goals is almost certainly to leave the coal in the ground altogether. That would be consistent with denying approval to the project.</p> <p>This project also does not facilitate ESD in any way. This project does not in any way link to or facilitate or enable some other activity designed for ESD benefit. Rather, it is clear that WCL intends to continue coal exploration and fully exploit the coal reserves in the Russell Vale Lease Holding if it can,²⁷ without regard for the direct contribution of their operations to climate change and associated subsequent environmental and social impacts. This project acts against ESD. If this project is approved, WCL would likely apply for yet another coal mine expansion in the future. Something so contrary to ESD should not be permitted!</p>
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Object of the EP&A Act	Consideration by NSW Planning My Consideration
(c) to promote the orderly and economic use and development of land	<p>The Revised UEP represents a continuation of a long-standing historical land use which is permissible on the subject land. The proposed surface facilities would be constructed and operated within the current surface facilities boundary, and would not require clearing of native vegetation. The proposed underground operations would result in negligible subsidence related risks or impacts to built or natural features within the drinking-water catchment.</p> <p>The revised UEP does not meet object (c).</p> <p>Coal mining is a long-standing land-use at Russell Vale in the context of European history in this country. However, viewed with a fuller historical lens, coal mining is not long-standing, and Australian Indigenous perspectives around the land's values and use should be considered more fully than they are. The NSW Planning statements above concern the superficial. This mine would operate in a designated Special Area and the water resource, water infrastructure and ecosystem values associated with Special Areas are already impacted by mining that has already occurred and threatened by further underground coal mining.</p> <p>IT is a really poor argument for a project, to moreorless describe it as not as bad as earlier proposed alternatives. As a member of the community, I want my government to be facilitating/allowing good developments that deliver a significant wholesome public benefit.</p>

²⁷ Umwelt (2019) Russell Vale Revised Underground Expansion Project: Revised Preferred Project Report and Response to Second PAC Review FINAL Section 1.6, p14.
https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP09_0013%2120200820T023241.228%20GMT

	<p>Moreover, I keep hearing from WCL/Umwelt and reading from WCL/Umwelt and NSW Planning documents that bord-and-pillar mining would not lead to any surface damages. However, an expert I know, Dr Peter Turner, describes pillars as deteriorating just a whole lot more slowly over time, through exposure to moisture and water. He described how with bord-and-pillar there is no immediate ceiling collapse as occurs during longwall mining, but collapse eventually occurs when the pillars deteriorate or destabilise. And I note that the NSW Resources Regulator subsidence engineer expert Dr Gang Li in his meeting with the IPC²⁸ refers to surface subsidences of about 1.7 m resulting from Bulli seam bord-and-pillar-mined void collapses, and expresses concerns about marginal instabilities in as yet unmapped remaining pillars. I am inclined to believe these two experts. It seems to me that a third mined seam, mined using bord-and-pillar is unlikely to collapse during the next 20 years, but likely it will collapse within the next 100-200 years and future generations will have to deal with the surface and water-related impacts.</p>
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Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</p>	<p>The Revised UEP meets this objective as it would result in improvements to the surface facilities operations to minimise noise and air impacts on the community. The Revised UEP would result in negligible environmental consequences to native plants and animals, ecological communities or their habitats, including upland swamps.</p> <p>The revised UEP does not meet object (e).</p> <p>Approval of the revised UEP would be inconsistent with an intent <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>. For example:</p> <ol style="list-style-type: none"> 1. The UEP fails this object as the resulting scope 1&2 GHG emissions would contribute significantly in the context of both NSW and Australian emissions and make significantly more difficult the task of reducing emissions as required by stated NSW targets or in international commitments. The UEP projected scope 3 GHG emissions are much larger and likewise make the task of limiting global heating to under 2 degrees Celsius only more difficult. 2. Climate change (contributed towards through this UEP) is recognised as a key threatening process to the endangered coastal upland swamp ecological communities. 3. The UEP would likely lead to further coal fines pollution downstream of the mine, into Bellambi Lagoon and out into the sea. <p>This revised UEP is inconsistent with this object (e).</p>

Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</p>	<p>The Revised UEP would not directly impact Aboriginal cultural heritage or historic heritage.</p> <p>The revised UEP does not meet object (f). I believe it would have Aboriginal cultural heritage impacts.</p> <p>Though I am not Indigenous Australian myself, over the course of the last seven years I have spoken with four Indigenous people directly and specifically about WCL plans to further mine coal at Russell Vale. I note that the UEP proposal has changed over time, with the main change being a shift from longwall to bord-and-pillar. Nonetheless, the comments Indigenous people made to me mostly around the time of the first PAC are as valid now as they were then, as none of them seemed concerned with the mining method. This is the tenor of what they have said to me:</p> <ul style="list-style-type: none"> • My ancestors have spilt blood on this land, we belong to country – what have you done and what will you do? Do you belong to country? • This land and the coal does not belong to the NSW government, so the government has no right to approve any coal mine;

²⁸ IPC meeting with Resource Regulator (13 Oct 2020) Transcript of video-conference proceedings.

- This mining is a continuation of colonisation – colonisation did not happen 200 years ago, colonisation is ongoing, all the time, white people are continuing injustices on us blacks today and now!
- How can they do this to country? The water, the trees, the landscape, the mountain, my ancestors? Country is about relationship.
- There are some black fellas, they have sold out to the company, they just take the money for doing assessments and then they shut up.

I initially sought out contact with a “local” Dharawal Indigenous person, because I was organising a protest outside the first PAC, and I hoped I could find someone who would provide a welcome to country, rather than have me provide an acknowledgement of country. I wanted to hear an Indigenous perspective. I was told of different perspectives and schisms within the Indigenous community apparently associated with Indigenous people taking cultural heritage work for mining companies. As in the non-Indigenous community, there are differences of opinion and different stances. But I did not ever meet or hear of any Indigenous person saying coal mining in country is a good thing. And I note that no Indigenous person spoke at the public hearing to say as much either.

Listening to Indigenous locals speak about the Russell Vale colliery and this country, had a profound effect on me. Suddenly I saw in a different way. Firstly, I perceived the utter barbarity of the proposed mining – as if I stood by powerless, while someone disembowelled my then-young daughter. My opposition to this mine somehow shifted from being scientific/ intellectual /moral to also gut-wrenching. Secondly, I perceived that Indigenous cultural heritage is about the whole rather than some site or artefact part – it is the mountain, the bush landscape, living peoples, living stories, a stream which feeds from another and supplies yet another in an interconnected whole – parts have meaning in the context of the whole. Thirdly, while I very strongly felt the injustice of it, I also perceived the timelessness and enduring nature of “country” where I live, even as it suffers assaults.

I also know of (but have not personally spoken with) two other local Indigenous people who at rallies over the past 2-3 years have called for an end to **all** mining for coal in the water catchment and action on climate change and action on tackling Indigenous disadvantage, including high incarceration rates and deaths in custody, and the need for a treaty. It seems to me that there is a link. A shift to respect for country and truly valuing Indigenous voices in decision-making such as this one, can contribute to – and is perhaps also necessary for – a wider societal systemic shift towards RESPECT. I am afraid that Indigenous deaths in custody and unjust incarcerations won’t cease without a systemic societal shift.

To me as an outsider, Indigenous cultural heritage is about people living and relating and being connected on country, and being able to share their heritage with family and others. I cannot see how in any way this revised UEP promotes the sustainable management of Aboriginal cultural heritage. Quite probably instead, development proposals like this one contribute to fracturing within local Dharawal groups as it does in the wider community. From a recent ABC news report²⁹, I am also aware that Dharawal are also locked out of country located in Special Areas, and so it is very difficult for them to care for and protect country. Though I have not spoken to them directly myself, I understand that locals Mr Kade Kennedy and My Paul Knight who feature in this report have told POWA members I know, that they do not support this proposal.

²⁹ <https://www.abc.net.au/news/2020-10-02/illawarra-indigenous-sites-being-destroyed-behind-barricades/12717976>

Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</p>	<p>The Department has assessed the Revised UEP application in consultation with Wollongong City Council, Wollondilly Shire Council and other relevant NSW government authorities, and given consideration to the issues raised by these agencies in its assessment.</p> <p>The process in which the NSW Planning has handled this UEP meets the object (i).</p> <p>However, given how onerous it is on community individuals to read and assess coal-mining proposal documents, I expect it is also very onerous on Council and other agency staff to read and then adequately assess such documents, and particularly to bring to mind relevant matters that might not appear in the documents provided to them. I share some particular concerns below.</p> <p><u>Resources Regulator</u></p> <p>I am very concerned particularly that the NSW Resources Regulator when providing advice on the UEP on 5 September 2019³⁰, did not address either (1) the fit-and-proper investigation of WCL in the context that such is a requirement for a mining licence³¹; or (2) structural instability associated with the proposed third-seam bord-and-pillar mining under an existing earlier longwall and other bord-and-pillar mine – especially given the very serious concerns later expressed by Resources Regulator subsidence expert Dr Gang Li in his meeting with the IPC in October 2020³². How do such highly relevant matters come to be overlooked? Is it that because the fit-and-proper test was a recent inclusion in law, that it is not part of some checklist that the Resources Regulator considered while undertaking their review of the revised UEP? And would it normally be the Resources Regulator who advises on mine structural stability matters and related surface subsidence/fractures/cracking/tilting/hogging/etc impacts? Is there a checklist anywhere kept by any government department that has review topic items that are allocated out to other agencies to ensure all important matters are appropriately considered? Or is this how we end up in the situation here in NSW with a deteriorating environment and a frustrated community, because we have a system that relies on individuals' initiative and prior knowledge in a probably understaffed, underfunded public service?</p> <p><u>Wollongong City Council (WCC)</u></p> <p>I understand that WCC staff Mr Ron Zwicker and Mr Mark Riordan met with the IPC on 13 October 2020 via video conference and I have read the transcript³³. I summarise some of it here:</p> <ul style="list-style-type: none"> • Near Line 35 p 4, Dr Williams asks: <i>Has council received much in terms of submissions or comment from – itself from residents in relation to potential impacts of the mine or ...?</i> • To which Mr Zwicker replies (pp 4-5): <i>Not really. We've had – look I'm a member of the CCC so I guess I see firsthand and we've got an active CCC members of about three or four. And other than those members there's been really zero comment from the wider public.</i> • Near Line 45, Mr Riordan adds the following comments: <i>There's been some concern over the historical actions on the mine ... and the responsibility of the owners and the pace of which they've gone about complying with some past conditions ... So that's created some bad blood...in the community and not heightened the status of the kind of reputation of the operator in the local community's mind. ... If I had to summarise some of the issues that came from there in the past, it was dust, [m]anagement of noise, ...vehicle movements. ... primary concerns.</i>

³⁰ Letter (5 Sept 2019) Greg Kininmonth on behalf of Steve Orr (Resources Regulator) to Jack Murphy (Planning) DOC 19/743498 https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP09_0013%2120200820T023209.291%20GMT

³¹ Illawarra Mercury (2016) Wollongong Coal being probed on whether it is 'fit and proper' a first, say Environmental Defenders Office, Department of Industry (2 Sept 2016) <https://www.illawarramercury.com.au/story/4138269/mine-probe-a-first-for-fit-and-proper-power/>

³² IPC meeting with Resource Regulator (13 Oct 2020) Transcript of video-conference proceedings. <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2020/russell-vale-uep/201013-meeting-with-resource-regulator-transcript.pdf>

³³ <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2020/russell-vale-uep/201013-meeting-with-wollongong-city-council-transcript.pdf>

- Then near Line 45, p5 Mr Riordan: *we would take on board community issues and concerns.*
- Later council staff outline problems with getting WCL to undertake agreed rehabilitation works but that as WCL has indicated further coal mining expansion is intended after this project then likely WCL is not looking to do a lot of rehabilitation work.
- Thankfully later (p 8) Mr Riordan says: *Ground water issues and water loss in the catchment, the impact on the swamps, the impact on Aboriginal sites, the relationship to adjoining land uses, these are all issues that we have commented on in the past and been concerned about.*

As a resident in Wollongong LGA since 2011 and actively interested and involved in matters related to this proposed mine since early 2014, I assure the IPC that Mr Zwickers and Mr Riordan's comments are very inadequate in describing community concern.

- Community concerns about WCL at Russell Vale cover many more issues than provided above. They span at least: dust from both amenability and health perspectives; noise; traffic congestion and coal dust along truck routes; loss of Indigenous cultural heritage; pollution of local creeks with coal fines and sediments; greenhouse gas emissions; WCL mistreatment of workers; workplace health and safety issues; related inaction towards local economy/employment transition required for action on climate change; associated water losses from catchment; ecological damage within catchment swamps; fire hazard of illegal slag heap so close to residences and associated liability for WCC ratepayers; lack of adequate watering of on-site coal-rich materials; fire hazard of drying catchment; water pollution as water goes into and out of mine; incompetent and reckless operator; poor governance by WCC and NSW government; lack of transparency and accountability etc
- There are many more than 3-4 people in the community who are concerned about the Russell Vale coal mine operations. I demonstrate this with some examples:
 - At WCL AGMs held in Towradgi, every year 2014-2020 there have been 20-35 protestors outside. I have been there every year.
 - I am aware of four people who are CCC members for WCL regarding the Russell Vale mine: Mr Gavin Workman, Ms Cherry Hardaker, Dr Alison Edwards, and me (Dr Deidre Stuart). I have only attended two meetings, both in 2019, in Dr Edward's place. I am also aware of Ms Ann Brown who takes a very active interest in Russell Vale operations as she is a CCC member for WCL's Wongawilli mine. My own experience of attending CCC meetings is that my questions are treated with contempt by WCL – echoing comments from my fellow CCC members. I do not recall Mr Zwickers being present at both meetings I attended, only one meeting. And specifically, at one meeting I asked questions around the stability of bord-and-pillar mining and was told, dismissively, that the pillars last indefinitely and that the expert who had informed me about delayed collapses was mistaken. Mr Workman particularly makes a point of communicating information gleaned from CCC meetings back with interested local community.
 - 2015(?) Along with Mr Gavin Workman and Ms Kaye Osborn I met with Mr Gordon Bradbury (lord mayor), Ms Mithra Cox (councillor), Mr Riordan and Mr Zwicker following Mr Workman's audit of the agreement between WCL and Council (~1990) demonstrating numerous outstanding unmet conditions. We were demanding proper governance from council staff.
 - 2016(?) Dr Edwards supported by about 15 also-present IRRM members spoke to Wollongong councillors at a council meeting alerting them to the fire risk and financial risk associated with WCL's illegal slag heap at Russell Vale.
 - 2017(?) Lack-of-transparency-and-accountability-protest specifically regarding WCL at Russell Vale. About 50 protesters dressed incognito (just like our governments) rallied outside NSW Services office to protest about NSW government complicity and then marched to WCC council chambers to protest WCC inaction.

	<ul style="list-style-type: none"> ○ February 2019: An evening meeting which led to the formation of grassroots group POWA drew more than 150 people who were concerned about coal mining in the water catchment (this concern was about this project as well as all coal mining projects in the water catchment). Their main concerns were: GHG emissions; water losses from surface and groundwaters; water losses from drinking water supplies; damage to ecosystems and risks to endangered indicator species; risks to water infrastructure; costs/impacts if we have to desalinate more water; water pollution caused by underground coal mining. Two state MPs – Mr Paul Scully and Mr Ryan Park – attended this meeting and expressed their concern as well. ○ 2019-2020 school student climate strike protests have drawn crowds of up to 3000. Speeches and frontline banners have called on an end to coal mining in the water catchment, and no more fossil fuels, and a just transition, investment in renewables. At one of these protests (I think early 2020) there was focus that black lives matter and the need for justice and respect and treaty here in Australia. ○ 2019 Many, maybe 50, from the community gathered in WCC chambers to hear and support Councillors discuss and agree to a Climate Emergency Declaration, and associated actions.
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Object of the EP&A Act	Consideration by NSW Planning My Consideration
<p>(j) to provide increased opportunity for community participation in environmental planning and assessment</p>	<p>The Department publicly exhibited the Revised UEP application and considered all submissions in its assessment</p> <p><b style="color: red;">The EP&A Act requires actions on the part of NSW government bodies which contributes to this object (j), and these actions have been undertaken.</p> <p style="color: red;">However, speaking as someone who has been actively involved in matters related to WCL and its Russell Vale colliery (since 2014), I can honestly say, I feel worn out. And I am aware of many others who are similarly worn out, and yet others who are now too ill/frail to involve themselves in opposing this company and this development any further. It takes a massive toll. Why has NSW Planning now allowed WCL to put forward three UEP versions, while it has still not complied with its approval condition obligations from earlier approvals? This is unfair to the community.</p> <p style="color: red;">This process of one PAC then another PAC and now an IPC is a recipe for wearing people out. It does not engender confidence in government. While it might provide for increased opportunity for community participation in environmental planning and assessment in a ticking-the-box sense, by wearing people out and by not requiring the proponent to adhere to approval conditions, this process at the same time demonstrates to law-abiding people that engaging in submissions and presentations to panels, is a waste of their time. The first UEP could simply have been rejected outright by NSW Planning as too environmentally damaging (GHG emissions, impacts on the water catchment and on upland swamps, local impacts etc), but was not.</p> <p style="color: red;">A recourse by the community to the law, via NSW EDO making the case that WCL is not fit-and-proper to hold a mining licence in 2015, was non-vexatious and assessed as worthy of investigation. Yet all these years on, the NSW Resources Regulator has not reported publicly an formally to the community about their investigations and their assessment of the proponent's fit-and-properness to hold a mining licence – a licence that is required for this project. NSW Planning has not required this of the Resources Regulator prior to assessing and referring on the project to the IPC. In the absence of any finding, WCL is assumed, by default, to be fit-and-proper. And at the same time, the IPC is not allowed to consider fit-and-proper aspects in their determination. How is this fair? Does this really meet this object (j)? <u style="color: red;">It seems that NSW government systems and processes are arranged to give the appearance of opportunity for community participation in environmental planning and assessment, but this seems more façade than reality. The real environmental planning and assessment decisions occur behind closed doors when community are absent. Further, there seems an incapacity or unwillingness on the part of NSW Planning, NSW EPA, NSW Resources</u></p>

Conclusion

I am a resident of Wollongong and I ask you to **outright reject** this proposal for further coal mining:

- under a supposedly protected *Special Area* of our water catchment risking further damage to the catchment hydrology and endangered coastal upland swamps,
- located so close to a residential area close to people and yet proposing more onsite works,
- proposed by a near-bankrupt company with a history of disregarding approval conditions, and
- at a time when urgent action is needed to address the problems of climate change and a global mass extinction crisis.

Really, how much more wrong can this proposal be? I write as an unemployed person who wants safe, long-term local jobs in our area. I know this project is not the way to go. Approving this proposal would be a backward, rather than forward step. Jobs for this area need to be sustainable and consistent with decarbonising our economy, to leave our environment in a state able to support today's young people and future generations. Allowing further damage to our climate system and to our water catchment would be fundamentally unjust.

Thank you for considering my submission.

Deidre Stuart