



ILLAWARRA RESIDENTS FOR RESPONSIBLE MINING

27 October 2020

Wollongong Coal's Revised Underground Expansion Project Report to the Russell Vale Mine:

We, Illawarra Residents for Responsible Mining (IRRM), vehemently object to the Wollongong Coal's (WC) Revised Underground Expansion Project (RUEP) to the Russell Vale Mine 09-0013. Some of the reasons for our objection are listed below, in no particular order.

1. RUSSELL VALE PIT TOP IMPACTS

1.1 PROXIMITY TO RESIDENTIAL AREAS

The colliery site at Russell Vale is closer to dense residential areas than any mine in Australia. It is bound by Russell Vale to the north and east and Corrimal to the south. All of these areas are zoned R2 with a 0,5:1 FSR, 9m height and 449m² min site area. This mine is located on our beautiful escarpment in environmental zonings E2 and E3. The residential areas around the mine have suffered the impacts from this mine over many years.

The WC's RUEP makes the coexistence of mine and residents sound harmonious, whereas residents hate it and would prefer the mine gone. The mine has been limping along for almost two decades with very little continuous extraction of coal by several of the mine owners in recent years. This mine has been operating over 120 years, by numerous companies, extracting from 3 seams of coal, with increasing destructive mining methods and increasing water losses from our water catchment. When is enough enough? **Russell Vale has lived its life; it is time to give the surrounding residents back theirs.**

The Russell Vale mine site is potentially a much needed and valuable residential development site in the northern suburbs of Wollongong. This **residential use would be a much better use of the land rather than a polluting industry** that impacts our health and diminishes our amenity.

The mine has been in care and maintenance for over 5 years and this RUEP should not be seen as a continuation of mining at Russell Vale, it should be approached as a whole new mine and the authorities should reconsider the impacts on the surrounding residential areas as if it was a new mine. For some reason the mining fraternity believes that they have a right to continue mining if it has existed previously, this is an archaic principle especially in the present era. What may have been acceptable 20 years ago is not acceptable today. This mine can no longer be tolerated to operate in a residential area. **WC complains that the residential area grew up around the mine but various mine owners have subdivided and sold off land for development into houses.** WC is doing this right at this moment at their underutilised Wongawilli Mine. Their very nonexistent production over the years has encouraged people to move into the area.

1.2 COAL PROCESSING PLANT

The original Underground Expansion project was only going to extract and export Run of Mine (ROM) coal from the Russell Vale mine¹. This enabled the company to pursue their dream of greater extraction at the site by not impacting on the surrounding residents. But now WC intends processing coal on this restricted site. The Russell Vale mine is the closest mine to any built up residential area in Australia. There have been numerous noise and dust issues at this site in the past with just ROM coal extraction and export, what is going to happen if WC is permitted to process coal on site. From their past performance they cannot be trusted to perform such complex and harmful processes in a residential area.

It should be noted here that all the NSW EPA information and approvals presented in the RUEP in relation to the coal processing plant are for a coal washery plant and not a dry processing plant and therefore totally irrelevant.

The RUEP states there will be a processing plant on site. WC has stated in their 2018-2019 End of Year Report that the coal would be further processed at a coal washery plant off site. The revised project should include all coal processing and transport routes of the coal extracted from this site or clarify the situation.

The RUEP states that **mining waste will be produced and some may be trucked from the site as fill material.**

There is no mention of transport routes for this coal and the number of trucks required is not included in the transport numbers or description. There is a possibility of 200,000 tonnes of fill material per year² and that equates to over 5,700 35 tonne capacity trucks in one direction. This appears to be a major oversight.

There is no mention as to how this material will be processed, handled or tested. There is only one reject stockpile shown on the site plan³ and it is not clear if this material is fill for sale or waste for emplacing underground.

Under the RUEP **the most polluted component of this waste material will now be placed underground within the first workings**, because WC does not have access to the adjoining emplacement area.

The Departments Final Assessment Report (FAR) just repeats the WCs information that the reject material emplaced underground would not cause a problem⁴. *“These roadways are mostly dry, therefore in the short term, groundwater interaction with the emplaced reject material is expected to be limited. In the longer term, groundwater would drain into these roadways and they would fill with groundwater as the former workings re-pressurise.”*

The community has been told by a past CEO, that this mine can never be re-pressurised. It will take 30 plus years for the Russell Vale mine to fill with water and then will discharge out of the adits. These 30 years will allow time for the water in the mine to become polluted that will then affect the groundwater.

The FAR goes on to say *“The Department has recommended a condition requiring further testing and assessment of the reject material once the mine moves into production mode.”* There is certainly no reason to approve the RUEP and then impose more conditions on WC that they will not fulfil. **If this reject material is not suitable for emplacing above ground but somehow it is appropriate to put it underground and then immerse in water.**

If the reject material cannot be emplaced underground, where does it go? If there is another plan then we need to know now so we can comment on it.

This reject material will cause a problem in the future when the mine is closed down, the company has left and the mine is flooded. **This polluted water will eventually find its way to the adits and then flow down Bellambi Gully Creek.**

Whose problem is it then? WC has said they will treat the water for only 10 years⁵ after the mine closes down but it will take 2057 to fill up, 37 years after the mine closes down. (Refer to the Mine Closure and Rehabilitation section.)

Right here is the legacy mining problem in the making. There needs to be a permanent non polluting solution to this mining reject so future generations don't have to deal with it and the solution is simple, no coal processing at Russell Vale.

1. INITIAL UNDERGROUND EXPANSION PROJECT 11 FEB 2013 EXECUTIVE SUMMARY P1

2. RUSSELL VALE RUEP RECOMMENDED CONDITIONS- COAL EXTRACTION AND TRANSPORTATION P6

3. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 FIGURE 6 | RUSSELL VALE SURFACE SITE FACILITIES SITE FACILITIES P11

4. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 7.5 OTHER ISSUES- TABLE 12 REJECT MATERIAL P64

5. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 P49

1.3 COAL STOCKPILES

The RUEP proposes three coal stockpiles on site¹; **a product stockpile of approx. 14,000 tonnes, a rejects stockpile approx. 1,500 tonnes and a ROM stockpile with no specified size**². *“One new product stockpile (approx. 14,000 t capacity) and one new rejects stockpile (approx. 1,500 t capacity)”*

The size of the ROM stockpile is not included in the FAR or the conditions. There are references to the height of the ROM stockpile in the FAR and the Umwelt Russell Vale Colliery Revised Underground Expansion Project Submissions Report –Part A Final Nov 2019 that are inconsistent. The former refers to 7m high and the latter 9m and 10m high.

These documents are very vague about the actual capacity of the stockpile, probably because WC has been caught out before. Maybe the FAR document is saying that there will be two additional stock piles (product stockpile and reject stockpile) and the ROM stockpile will be the existing 80,000 tonne stockpile as approved under their PWP.

We know the ROM stockpile would have to be larger than the product stockpile, 14,000 tonnes, because it accepts coal extracted from underground 24/7.

The product stockpile does not appear to have a conveyor going to it or a reclaim conveyor coming from it. Therefore we must assume **that the product from the truck loading facility is loaded onto trucks and then dumped onto the product stockpile and when they need to transport it to Port Kembla it is loaded back into the trucks from the**

stock pile with tractors. This is an excessive amount of coal handling in a residential area. Why hasn't this been thought through why the final UEP pit top infrastructure is still so reliant on **loading off stockpiles with tractors. This is a very major noise and dust generator.**

Also why are there no roadways shown on the Surface Facilities Plan to show these intricate pathways and justify that they are possible.

It should also be noted that the reject material stockpile is a single stockpile and there is no Virgin Excavated Natural Material stockpile. This needs to be clarified prior to approval.

WC has previously abused the approved permitted amount of coal they were allowed to stockpile on site, they cannot be trusted to self-regulate. NSW Planning compliance has also shown that they cannot investigate or administer non-compliances. So I guess the community loses out.

Under the PWP approval WC had approval for an 80,000 tonne ROM stockpile³. A small high ash stockpile that would be frequently cleared was mentioned in the existing operations and just remained⁴. However WC allowed this high ash stockpile to grow to 176,000 tonnes⁵. In addition, they had 200,000 tonnes of oversized coal⁶ stockpiled on the slag heap adjacent to their site. So with an approval of only 80,000 tonne ROM stockpile, WC had a total of 456,000 tonnes of coal stored on the Russell Vale site. The regulating authorities allowed WC to do this. It was only with the insistence of local residents that these stockpiles were finally removed.

As these stockpiles are major dust generators and given NSW Planning Compliance are lacking in their governance, we do not believe that WC can be trusted to comply with these simple prescriptive requirements.

The only information given in the FAR about the ROM stockpile is that it will be 7m high. This is curious as the top of the tripper is 33m high⁷. That will mean that the coal from the tripper will fall a minimum of approx. 23m and a maximum of approx. 30m. This is totally unacceptable; the existing operations create noise problems to neighbours currently. And **this conveyor will operate 24/7. The proposal should be amended so that extracted coal is stored underground and only transported by the conveyors during daytime hours** and that the tripper is altered so the coal only falls a minimal amount.

The pit top layout shows that the ROM stockpile is not central around the tripper chute, probably due to the introduction of the Bellambi Gully Creek realignment. This could mean the coal is moved by a bulldozer or the chute will be used to 'throw' the coal further away. Both of these techniques will generate more dust and noise and this is not acceptable.

Coal stockpiles are one of the worst dust generators especially when coal is loaded by tractors onto trucks on unsealed roads. This is the worst possible scenario for dust generation. The community has been continually promised better facilities that reduce noise and dust but end up with antiquated methods and infrastructure.

All 3 proposed stockpiles rely totally on the use of tractors. This proposal has not improved the noise and dust generation situation at all, they have made it worse. This should not be tolerated and the project rejected.

1. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 FIGURE 6 | RUSSELL VALE SURFACE SITE FACILITIES SITE FACILITIES P11

2. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 TABLE 4 | SUMMARY OF MINE PLAN AND OPERATIONAL REVISIONS P13

3. PRELIMINARY WORKS PROJECT EA 1 OCT 10- 3.3 COAL HANDLING FACILITY- PROJECT DESCRIPTION P60

4. PRELIMINARY WORKS PROJECT EA 1 OCT 10- 2.3 ROM PRODUCTION HANDLING P36

5. MINUTES FROM COMMUNITY CONSULTATIVE COMMITTEE (CCC) MEETING No.18- 9 AUG 2016 INCOMING CORRESPONDENCE FROM COMMITTEE MEMBERS 7.1 P4

6. MINUTES FROM CCC MEETING No.24- 26 NOV 2018 6.4 APPROVALS OVERVIEW P4

7. PRELIMINARY WORKS PROJECT EA 1 OCT 10 ANNEXURES- ANNEX B- JBK PLANS

1.4 PARTICULATE POLLUTION

The colliery is too close the residential areas, with homes bordering the colliery site on 3 sides, just 175 m from coal stockpiles and schools located just several hundred metres away. The colliery is a major source of particulate pollution. It is well documented that coal particulate pollution increases human morbidity and mortality from respiratory and cardiovascular disease. In this day and age, **Russell Vale is not an appropriate location for a colliery, and particularly not for a colliery that wants to expand.**

This planning application should not be seen as a continuation of mining at Russell Vale, it should be approached as a whole new mine and authorities should reconsider the impacts on the close surrounding residential areas.

The Russell Vale mine has operated long enough for the surrounding community to know that it creates huge amounts of dust from the colliery site and from the transportation of the coal. **The EPA has particulate maximums imposed on site and the proponent has all of the monitoring infrastructure necessary yet the black coal dust still ends up in the surrounding houses and decks.** And this was for a mine that only produced ROM coal, imagining what will happen when they start processing coal on site. It is no longer acceptable to just say that the colliery would continue to operate in accordance with the conditions of the project approval and other applicable licenses and permits because it has been shown over the years that this does not work.

There is something seriously wrong here but the solution is simple, do not have polluting mines in residential areas. Please do not approve WC's RUEP.

Stockpiles, as previously mentioned, are the worst dust generators and now WC proposes 3 coal stockpiles. This will create a larger surface area of coal to be wind eroded and generate more dust. There have been discussions about using chemical dust suppressants but these are only beneficial until the surface of the stockpile is broken.

Another major dust generator is the use of tractors and loading off and moving around the stockpiles. The ROM stockpile will eventually have a reclaim conveyor but the reclaim pit isn't located under or near the stockpile so the coal has to be moved continuously by a bulldozer. The reclaim pit was initially located for the temporary reuse of the old truck loading facility. It is totally in the wrong location for a more permanent pit top layout. This suggests that the infrastructure is inefficient and not helpful in reducing the problems at the site.

The PWP promised the reuse of the existing truck loading facilities in the interim but for some reason this did not eventuate. Now **we are again promised new truck loading facilities under the RUEP but not in the initial stages.**

Unsealed roads are another major dust generator and Russell Vale mine has many. The proponent has promised sealed roadways numerous times, why are they not included in this RUEP?

This proponent cannot be trusted to deliver on promises and all vital infrastructures should be in place before any coal is extracted from this site.

1.5 SOUND WALLS

WC is promising additional noise mitigation works on the site, including new 4 m high noise barriers, extension of the height of 5 existing bunds and acoustic treatment of the coal processing infrastructure.

This was promised in the PWP¹ to mitigate the noise and has never been provided. When the proponent obtained their approval they immediately engaged another acoustic consultant that determined the barriers would be useless and that the noise mitigation could be achieved in other ways. The Approving Authority allowed them not to construct the barriers that had been used to soften the community's objection.

The proposed RUEP barriers² appear to be in similar locations as the previous ones and we have no guarantee, from WC or NSW Planning that the same scenario will not happen again.

The RUEP is **proposing to use old steel shipping containers as noise walls³.** They intend to line up and stack ugly shipping containers on site that will be visible to the surrounding residents. WC proposes to camouflage these containers by painting them and planting them out. This site is already an eyesore on our beautiful escarpment and we certainly don't want any more industrial junk slapped upon it. **WC should construct purpose made sound walls** like those utilized along or highways and not some quick cheap temporary solution.

In 1998 there was a major flood event that carried thousands of tonnes of coal off site, what will happen next time, shipping containers floating down Bellambi Lane?

There is a **proposed curved barrier proposed along Broker Street to protect Russell Vale residents but what is stopping the sound bouncing off this wall back to the residents in Midgley Street Corrimal?**

Also it should be noted that **the tripper and conveyors on the site are 33m above the ground⁴ and these pieces of infrastructure were the greatest noise generators on site** when the mine was operating. How will these sound walls stop this noise from passing over the top and impact residents in Russell Vale? There is no sound wall to prevent the noise for residents in Midgley Street?

It has become apparent that this proponent cannot be trusted to deliver on promises or conditions and all vital infrastructures should be in place before any coal is extracted at this site.

1. PRELIMINARY WORKS PROJECT EA 1 OCT 10- 4 EQUIPMENT AND DESIGN MITIGATION P210 & PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- ACOUSTICS P27
2. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 FIGURE 6 | RUSSELL VALE SURFACE SITE FACILITIES SITE FACILITIES P11
3. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 P57
4. PRELIMINARY WORKS PROJECT EA 1 OCT 10 ANNEXURES- ANNEX B- JBK PLANS

1.6 COAL TRUCKS

Transporting coal using trucks has always been problematic at this site. Bellambi Lane has many residence and Keerong Avenue residence back onto Bellambi Lane. These **residents bear the brunt of WC's coal transport with excessive noise and crippling dust.**

Previous approvals and proposals have included a speed limit along Bellambi Lane of 50 km/hr¹. This proposal condition appears to have removed this speed limit or fails to mention it. This is not acceptable, as the reduced speed has proven over many years to reduce dust and noise.

The coal Trucks are covered when transporting coal but they are only roll back fabric mesh. These are not airtight, easily damaged and should be seen only as a cosmetic measure. Trucks should be fitted with solid tray covers.

Dust from trucks is also added to by unsealed roads on the colliery site. The community has been promised in previous iterations of the UEP² sealed trucking roads on the site. They may suppress the dust initially but, like the truck washes, just creates coal laden drip waste down Bellambi Lane. Water trucks used on the unsealed roads at present only exacerbate the drip waste problem.

The proponent has previously said they will sweep the Bellambi Lane³ but this is just another furphy.

WC has stated that the frequency of coal trucks leaving the site will be 17 per hour⁴. That is 34 truck movements per hour, that is 1 truck every 1 minute 45 seconds. This number does not consider delivery trucks or haulage for the fill material from the coal processing. There is a possibility of 200,000 tonnes of fill material per year and that equates to over 5,700 trucks of 35 tonne capacity in one direction, therefore there could be 11,430 additional truck movements. This appears to be a major oversight by the proponent.

It is a shame that the hours of trucking can be so open ended by adding the prefix "unless the Planning Secretary agrees otherwise". WC wants in addition, that if coal transport is required during the evening to cater for unexpected port closures or interruptions trucking would be permitted between 6pm and 10pm. WC had a similar extended trucking time for emergencies and determined that a ship in port constituted an emergency. This extension of trucking time should not be given lightly.

WC has told us at the Independent Planning Commission (IPC) public hearing that the community has experienced the truck movement numbers when they were removing the illegal stockpile on the adjoining slag heap. We disagree with this statement. I sat there for an hour one day and the loaded truck numbers were in the single digits. The maximum coal trucked in a single day during that removal was on 13/03/2019 and the tonnage was 2769. **If the trucks were carrying 35 tonnes of coal and they were running at 17 loaded trucks per hour that means the trucks only worked for 4.7 hours, not even half a day.** How is that experiencing the truck movement numbers, as the trucks could operate for another 6.3 hours?

The proponent has previously passed on the responsibility regarding regulating the coal transport to trucking contractors and not taken culpability for any problems. They have instructed complainants in the past to directly contact the contractor.

During their previous approvals, **the proponent didn't even provide a staff member to check the trucks prior to leaving the site** for any problems like coal on the gunnels or drawbars. They left that up to the driver.

The Assessment Report says that WC will make payments to Council for the upkeep of Bellambi Lane. Given that WC cannot even fulfil its current obligations to the Council we believe that the proponent should provide a bank guarantee to Council to ensure payment of their dues.

1. PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- TRAFFIC AND TRANSPORT P30
2. PLANNING ASSESSMENT COMMISSION REVIEW SECRETARY'S ENVIRONMENTAL ASSESSMENT REPORT MITIGATION MEASURES P53
3. PRELIMINARY WORKS PROJECT MOD 1 RESPONSE TO SUBMISSIONS NOV 2012 ITEM 5 P20
4. RUSSELL VALE RUEP RECOMMENDED CONDITIONS- COAL EXTRACTION AND TRANSPORTATION A11 P7

1.7 PROLONGATION OF SLAG HEAP CONDITIONS

WC inherited two Council approvals when Jindal Steel and Power became the major shareholders at the Russell Vale mine.

Both approvals were for emplacement of mining waste on numerous adjacent sites above and on the Russell Vale golf course. They are known locally as the 'slag heap'. The slag heap approval was controversial even in the 1980's.

Wollongong Council's **first slag heap approval was in 1986 and contained a condition requiring the proponent to dedicate land owned by the mine to Council**¹. This land has never been dedicated despite GNRE owning the mine since 2004 and then WC since 2014, that is 16 years for a land transaction.

Wollongong Council's second slag heap approval was in 1990 and contained emplacement of mining waste on Council owned land². In May 2014 a request was made via the Community Consultative Committee (CCC) for the **Council to Audit its approval conditions for the emplacement area**³. **It was found that almost half of the 54 conditions were not being met by the proponent**; some of them are not being met today.

One of these conditions was a security bond that was required to ensure work was carried out properly. This bond amounts to \$15,000 per year over 30 years, that is \$450,000. It has never been paid.

WC has shown it is incapable of following basic conditions placed on them by Approving Authorities and Government Agencies.

The last slag heap approval was in 1990, we are sure that this project would not have been approved if Council knew it would still be operating (and impacting on the community) 30 years in the future. This facility would never be approved in these times. The slag heap needs to be rehabilitated and completed as soon as possible and no further approval should be given to WC until it has been handed back to the Council.

WC is incapable of following basic conditions placed on them by Approving Authorities and Government Agencies and certainly should not be relied on to comply with any future conditions. WC also has a talent of being able to protract a situation to benefit themselves and disadvantage others.

1. WOLLONGONG CITY COUNCIL DETERMINATION DEVELOPMENT APPLICATION D84/599 5 FEB 1986 CLAUSE 13 P3
2. WOLLONGONG CITY COUNCIL TABLE OF COMPLIANCE - DEVELOPMENT CONSENT No. D1989/839 54 CONDITIONS
3. WOLLONGONG CITY COUNCIL DETERMINATION DEVELOPMENT APPLICATION D89/839 11 APRIL 1990 CLAUSE 4 P2

1.8 BELLAMBI GULLY CREEK CONDITION SAGA

The Bellambi Gully Creek realignment condition was required to be completed in October 2012 under the Preliminary Works Project approval¹. **The only reason given to the community for not realigning the creek was lack of finances**².

"Firstly, Gujarat has requested to delay the construction of its proposed Bellambi Gully Creek diversion at its surface facilities site from October 2012 until the end of 2014, again due to the company's current financial difficulties."

Proponent's lack of finance should never be considered an excuse to postpone a condition for vital infrastructure. NSW Planning is complicit in this monumental bungle.

In December 2016 NSW Planning compliance served an Order to replace the underground pipe section of Bellambi Gully Creek in accordance with the Environmental Assessment and Statement of Commitments in their PWP approval by June 2018.

In July 2020 WC was again fined by NSW Planning compliance for not complying with their Preliminary Works Approval conditions to realign Bellambi Gully Creek to protect it from flooding and pollution. They were also issued with **an Order for to complete the realignment within 1 year** from the issue notice. It will be interesting to see if the creek is realigned by 23 July 2021. (We are unable to provide references for this Order because NSW Planning compliance does not make these documents public.)

The mining company has long since mined and sold the coal that was covered by the 2011 PWP approval and yet the conditions of that approval still have not been met. The PWP will have to be extended for a further year if the RUEP is approved so that Bellambi Gully Creek can be finally constructed³.

It is farcical that 8 years after the creek realignment should have been finished the creek may be aligned next year and finally the residents downstream of the Colliery may get the protection promised from flooding.

This creek realignment will take a year to construct and during that time the existing pipe will continue to convey the clean Bellambi Gully Creek water under the pit top working area. **We have been told that this pipe has deteriorated and cannot support heavy vehicles moving on top of it.** Yet the construction of the creek realignment and the pit top infrastructure will occur with heavy vehicles passing over it⁴. Even the ROM coal trucks will be running over the Bellambi Gully Creek pipe in the interim stage of this proposal. **The creek should be protected at all cost** and this will mean protecting the pipe by bridging over it or waiting until the creek is realigned before approving this project. This realignment should have been completed 8 years ago. **The two projects should not be run in parallel but consecutively.**

WC is incapable of following basic conditions placed on them by Approving Authorities and Government Agencies and certainly should not be relied on to comply with any future conditions.

1. PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- SOIL AND WATER P29
2. ASSESSMENT REPORT NRE No. 1 MINE – PRELIMINARY WORKS PROJECT MODIFICATION 1- 3 DEC 2012 5.7 OTHER MINOR CHANGES P22
3. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 EXECUTIVE SUMMARY- SURFACE OPERATIONS Pvii
4. ADDITIONAL INFORMATION RESPONSE REPORT JUNE 2020 APPENDIX 9- APPENDIX B CARDNO CONCEPT DESIGN

1.9 PIT TOP PLAN, FUNCTION AND INFRASTRUCTURE

The FAR only shows the lower section of the pit top plan and infrastructure and then only in its final configuration¹. There are no descriptions or plans showing intermediate stages of the pit top plan when it is loading ROM coal off the stockpiles. There is no Surface Works Construction Schedule or no Schedule of Commitment for the infrastructure. This is a company that has failed to fulfil its obligations under previous approvals. **This project should not be approved until all stages have been completely documented.** WC has only provided half of the information to determine this project.

The plan shown does not include the upper section of the colliery site that contains three huge exhaust fans². These fans operate 24/7 and are running right at this moment. This is the only exhaust system from the proposed workings. Normally these fans are located high up on the Woronora Plateau away from residential areas. **They impact the adjacent community with noise, sound inversion, harmonics and the waste gases and dust that is expelled from the mine.** If they are not shown does that mean they will not be included in this project?

The creek realignment³ will take a year to construct and during that time the existing pipe will continue to convey the clean Bellambi Gully Creek water. This pipe has deteriorated to the point of failure and cannot support heavy vehicles moving over it. **How is the construction of the creek realignment and the pit top infrastructure to occur without heavy vehicles passing over this fragile pipe?** Even the ROM coal trucks will be running over the Bellambi Gully Creek pipe in the interim stage of this proposal. The creek should be protected at all cost and this means protecting the pipe by bridging somehow or waiting until the creek is realigned before approving this project. It should have been realigned 8 years ago anyway.

The Bellambi Gully Creek realignment isn't the same as the design parameters outlined in Coffey (2010) in the PWP Statement of Commitments⁴. **The proposed creek realignment design is lower down the slope and therefore crowds the pit top layout.** This becomes problematic at the west end of the proposed creek channel where it now passes very close to the tripper and stockpile⁵. The tripper isn't covered to stop dust and the stockpile is the worst dust generator on the site. This is a potentially polluting environment and compromises the cleanliness of the creek. There needs to be more protection in this area to suppress or stop particulate matter.

The coal processing plant and truck load facility may not be in place for 2 years. They state that in the interim they will be trucking ROM coal from the mine and loaded off the stockpile with tractors on unsealed roads. WC needs to provide an interim pit top plan showing function and proposed infrastructure.

A better solution for the community would be **to have all infrastructures in place prior to the extraction of any coal to safeguard the neighbouring residents and ensure that WC fulfils their obligations.**

1. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020 FIGURE 6 | RUSSELL VALE SURFACE SITE FACILITIES SITE FACILITIES P11
2. INITIAL UNDERGROUND EXPANSION PROJECT 11 FEB 2013 EXECUTIVE SUMMARY- PROPOSED SURFACE FACILITY UPGRADE Piii
3. ADDITIONAL INFORMATION RESPONSE REPORT JUNE 2020 APPENDIX 9- APPENDIX B CARDNO CONCEPT DESIGN
4. PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- SOIL AND WATER P25
5. ADDITIONAL INFORMATION RESPONSE REPORT JUNE 2020 APPENDIX 9- APPENDIX B CARDNO CONCEPT DESIGN

1.10 COMMUNITY CONSULTATION

It is very noticeable that this application makes very little mention of community consultation. **The flow of information from WC to the community has stagnated to the point of WC actively obstructing the flow** of information to affected and interested members of the community. WC no longer distributes news and information at Russell Vale by newsletters either letterboxed hard copies or electronically on their website. For some reason they have newsletters at their Wongawilli mine¹ but not at Russell Vale.

WC has not alerted the community about the IPCs public meeting or that the RUEP is going to be finally determined. WC's last information session was held May 2019 in Thirroul², a suburb 6 kms to the north of the mine. It was also held on a Saturday morning that is peak hour traffic for Thirroul. The format of the session was that staff members would pair up the community and walk them through the proposal rather than a group meeting where everyone heard the same information.

Even the CCC information is lacking to the point that members are complaining to the Department and the independent chair. There is a lack of information being presented by WC at the meetings.

At the last CCC meeting WC neglected to inform the community that they were fined \$6k by NSW Planning Compliance for breaching their condition to realign Bellambi Gully Creek and that an Order had been placed on them to complete the construction by 23 July 2021³.

After prompting the CEO told us that WC was not going to process coal on site and that they would not be providing a truck loading facility⁴. This is confusing as both of these items are included in the RUEP.

A question was asked about one of the conditions of the emplacement area approval whether WC had dedicated the land to Council. The CEO didn't know anything about the condition and took the question on notice⁵. As of today, WC has not responded; believe that they only have to respond at the next meeting.

WC failed to inform us that they still have not paid for their security payment to Wollongong Council of \$450,000⁶.

WC is also using the pandemic to be more obtuse in their communication. The last two meetings have been held on zoom. The WC staff sit around a single computer with a poor microphone, in a large boardroom and mumbles⁷. A company with an international parent must surely have better communication skills and equipment. Maybe the garbled communication is their objective.

WC refuses to answer questions asked of them until the following CCC meeting. This is in direct contravention of their own agreement to answer within 4 weeks⁸ or the CCC Guideline for State Significant Projects, which is an excessive amount of time anyway. That could mean 4 months, as the proponent is only required to hold 3 meetings a year at Russell Vale. Given this situation WC should be required to hold more meetings so this time lag can be cut down.

WC holds a list of concerned residents that were previously contacted about major developments at Russell Vale but in recent years, as WC has become more uncommunicative, people on this list have not been contacted.

The CEO of WC said⁹ that "*Some records went missing when WCL took over*". This is curious, as the person that held the list (the Projects Approval Manager) was in the same position in both incarnations of the company. I think what he meant to say was, WC has such a huge staff turnover that it is hard to keep up with information.

WC presents so much garbled messaging that it is difficult to understand what is current or believable. A good example of this would be the current pit top infrastructure. **We were told at the last CCC meeting that there would be no coal processing on site and that there would be no truck loading facility but both items are included in the RUEP and presented in the FAR.** Is this just confusing information to bamboozle the community, are they hedging their bets or are they just inept.

When the CEO of WC addressed the IPC he said that if they could find a buyer they would sell all the coal ROM, without any processing. We have always been told that Russell Vale coal would all be sold to Jindal Steel, their parent company, has this changed? WC seems very confused.

1. WC WEBSITE <https://emm.mysocialpinpoint.com/colliery>
2. WC WEBSITE <http://wollongongcoal.com.au/latest-news/>
3. COMPLAINT EMAIL SENT TO NSW PLANNING COMPLIANCE FROM GW 21AUG 2020
4. CCC MINUTES-MEETING No.32 17 AUGUST 2020 ITEM 6.5 UNDERGROUND EXPANSION PROJECT P5
5. CCC MINUTES-MEETING No.32 17 AUGUST 2020 ITEM 5.3 P3
6. COMPLAINT EMAIL SENT TO NSW PLANNING COMPLIANCE FROM GW 21AUG 2020
7. CCC MINUTES-MEETING No.32 17 AUGUST 2020 ITEM 1.3 P2
8. CCC MINUTES-MEETING No. 22 18 JUNE 2018 ITEM 7.1 P6
9. CCC MINUTES-MEETING No. 26 21 MAY 2019 P3

2. WATER LOSS AND IMPACT

2.1 NO RISK WILL BE TOLERATED FOR OUR DRINKING WATER CATCHMENT

We believe that no level of risk is acceptable in Sydney Water Catchment and especially the Special Areas. Water is our number one priority and will become more so in the future. Our forefathers had the prudence to set aside 16,000 hectares of land in the south to secure Greater Sydney's water. This vision has proven fortuitous as drinking water around the planet becomes more scarce and valuable with the passing years. **But this water catchment area for the greater Sydney area is constantly being threatened by climate change, drought, evaporation and now coal mining.** We believe that nothing should threaten the Sydney Water Catchment Area, that this water catchment area should take precedence over everything else.

There is no necessity to find another industry to coexist in the Sydney Water Catchment area. The NSW Government seems insistent on finding a dual purpose for the catchment area when **the prime purpose of drinking water collection is the most crucial use and should be the only purpose for this land.** The purpose that the Government is promoting is underground coal mining that damages and pollutes this pristine vital area. The Sydney Water Catchment already serves many very important functions. An important function is habitat for flora/fauna/microbiota, one that with the current global (and national) extinction crisis, we need to protect even more.

We are gravely concerned about the impact the proposed Russell Vale Mine Expansion will have on water security in the context of our changing climate. This expansion will not only directly contribute to climate change via emissions added to the global GHG inventory but the direct negative impacts on the water supply. Water security will become more significant under more extreme weather conditions predicted in our future. **Corporate profits take precedence over the health of the communities of the Illawarra and Greater Sydney regions.**

2.2 CURRENT DRINKING WATER SITUATION AND WHAT AUTHORITIES KNOW

During the 2019 drought the overall dam levels stood at 45.2% now 94.4% and the Cataract Dam (that WC intends to mine under) was then at 26.2% now 88.3%¹.

Some areas of NSW are currently in drought and more than 85% of Greater Sydney's water supply relies on rain. The Kurnell Desalination Plant can provide up to 15% of our current water supply needs (or 250ML per day) but it comes at a cost; a cost of \$87 per Sydney Water customer per year in hibernation and \$125 per customer per year when operating. The Desalination Plant was switched on 27 Jan 2019².

How much of the dam level situation can be attributed to coal mining. **Billions of litres of water a year are being drained into mines under the Sydney Water Catchment and their resultant subsidence damage and impact will be felt way into the future.**

WaterNSW Sydney Drinking Water Catchment Audit 2019, *The audit concludes that, the health of the Catchment is under increasing pressure due to climate change. There is a long term trend of reduced rainfall across the Catchment based on monitoring records since the 1940s and the drought experienced over the audit period further reduced water availability (surface and groundwater flows)*³.

The Independent Expert Panel for Mining in the Catchment were to focus on the risks to the quantity of water loss in the catchment but in the final reports we were no closer to putting a figure to how much water is lost from the catchment due to mining.

There is currently reduced water available across the catchment and this is probably due to drought, climate change, higher transpiration or diverted water. As mining is the only direct man made cause of this water loss the NSW Government should ensure that this threat is removed totally by not approving any further proposals; this water is far too valuable.

The Greater Sydney area is currently on Level 1 water restrictions. These restrictions include both residential and businesses.

1. WaterNSW WEBSITE- SYDNEY'S DRINKING WATER CATCHMENTS

2. SYDNEY WATER WEBSITE- DESALINATION

3. 2016 AUDIT OF THE SYDNEY DRINKING WATER CATCHMENT

2.3 LOSS OF WATER

We were told repeatedly by WC at the information session that under the proposed new mining regime NO water would be lost from the catchment.

The RUEP Table 5.3 shows that the Total Licensable Inflow into the mine at the end of Longwall 6 was 157 ML/year and that after the proposed First Workings under the Revised PPR it would be 288 ML/year, which is a gain of 131 ML/year.

The revised PPR says that if the “*Balgownie and Bulli Seams are required to be drained as an inrush control measure then this may alter the current groundwater flow paths underground. Any changes to flow paths are not expected to increase the overall quantity of groundwater entering the mine*”. The decision to drain the two seams above the Wongawilli seam should be made now and the consequences determined before this project is approved. Any changes or dewatering in the mine should be taken into consideration upfront.

WC currently holds a Water Access Licence (WAL) under the Water Management Act 2000 for 515 ML/year, Licence No. WAL36488. WaterNSW is responsible for managing access to water and ensuring water is shared equitably between the environment, people of NSW and industry. But a water licence doesn't give the holder the right to permanently damage the catchment. That water will be lost from the catchment forever. We are not talking short term, like the life of the mine. The mining company's water allocation isn't being drawn out of the reservoir or pumped up from a bore. They are physically damaging the vessel that the water is captured in and they don't take responsibility for that damage because they think they are blameless because they have a licence. No one has ever held them to account and when this foolishness is realised the mining companies will be long gone.

When will mining companies be held responsible for that perpetual loss of water?

We believe it is time for a review of the whole water licence process; permanent damage must not be tolerated. We are only the custodians of this water catchment; it is not up to this generation to decide what amount of damage, if any, is tolerable.

The project will further the loss of ground and surface water from Cataract Reservoir and its catchment, adding 131 ML/year of ground water and 10 ML/year of surface water to losses from previous mining damage. This is estimated to bring the total ground and surface water loss from the project to 298 ML/year. This is the equivalent annual water usage of over 4,000 people. This is totally unacceptable given we were told that there would be no water loss by WC during their community information session.

These water figures are based on a bord and pillar mining method with less than 100mm subsidence but what happens when the unexamined marginally stable pillars in the Bulli seam collapse?

WaterNSW need to re-examine their response in light of the concerns of the Resources Regulator (NSWRR) as explained in their meeting with the IPC Panel on 13 October, 2020..

2.4 ADIT WATER

Groundwater and surface water from the catchment area flows into the goaf and it would slowly fill up if it wasn't pumped out, minimally treated and discharged into Bellambi Gully Creek.

The groundwater inflow rates will gradually increase during extraction as the area being mined is dewatered and after the proposed mining activities are complete **this water will continue to rise in the mine until it flows out of the adits in Russell Vale pit top.**

“After the proposed mining is completed, the GeoTerra/GES model assumed the dewatering pumps would be turned off and the mine gradually fills up and re-pressurises the overburden until the recovery reaches the 117.5m AHD elevation of the existing mine entry adit for the Wongawilli Seam, at around 2057. From this time, GeoTerra/GES predict that a maximum of approximately 0.3 ML/day (110 ML/year) would discharge out of the adit.”¹

There will be an escalating water discharge from the adit for at least 160 years... perhaps, in perpetuity.

WC has committed to funding an arrangement which would monitor and treat the adit discharge water for 10 years at an estimated cost of around \$2.4 million. This would treat 110 ML/year of water to a potable standard with reverse osmosis². But this commitment is not included in the conditions of the project or their Statement of Commitment. Instead it is left to a Rehabilitation Management Plan that will be completed after WC has received approval. **We believe there should be a commitment from WC and the Rehabilitation Management Plan should be completed prior to approval.**

WC didn't even mention the 10 year commitment in their presentation behind closed doors to IPC.

WC did say that the water from the mine is currently treated and discharged into Bellambi Gully Creek under their EPL. They also said that the creek is monitored and that the data is available on their website.

What WC didn't say was that the current water treatment was to a very basic standard and that the EPL requirements for points 11 and 12 are only to monitor electrical conductivity and turbidity³. This is so minimal it is totally inadequate. There is no necessity to monitor for salts or heavy metals. So really the treated water is still polluting the creek and its riparian zone.

They failed to mention that the water monitor and access to data was only implemented as a result of the community's insistence and pressure.

The Department acknowledges that the long term management of outflow water from adits is a regional issue that faces all historic and current mining operations in the Southern Coalfields⁴.

WC plays down this when presenting to the IPC by saying- *"there are 18 mines that have been sealed on this escarpment and I'm quite sure they all weep a little bit of water out"*. 300,000 litres per day is not a little bit of water.

The Legacy Mines Program was set up for these abandoned mines but stipulated *"Projects are only considered for funding if no person or company with direct responsibility for the rehabilitation of the mine can be located. Projects that cannot demonstrate a clear and significant link to former mining operations cannot be funded by the LMP"*. Clearly we have a company directly responsible for the rehabilitation here at Russell Vale.

WC also went on to say that-

"Due to the Revised Project not having any impact on groundwater quality relative to existing approved operations, there is no reason to suspect that the Revised Preferred Project will result in any change to adit outflow water quality relative to what is currently approved". Under the RUEP the proponent is now placing underground concentrated reject waste from their processing plant. This is totally different from any previous applications or approval and has the potential to significantly pollute the adit water.

The FAR states in 2.3 Comparison of Preferred and Revised UEP under Rehabilitation that there is no difference between the two projects. This is totally incorrect. The adit water and the treatment of the water for perpetuity is new and has never been addressed in any other incarnation of the UEP⁵.

WC has committed to treating the adit water to a potable standard for 10 years using reverse osmosis.

There are several problems with the treatment of this adit water;

- **Reverse osmosis produces two streams- a clean treated water component and a concentrated polluted component.** What is going to happen to this polluted component? Other mines in the area store the polluted component and then truck it to an estuarine creek where it is discharged. This is not a solution; it is a disaster, we need further details;
- **10 years is a short period of time given that this mining company has exacerbated the subsidence and water loss at this mine.** We need WC to take more responsibility; they took on this mine knowing there would be legacy mining issues here. They took on the mine knowing they were responsible for its rehabilitation. If they didn't know, they should have spent more time doing their due diligence.

We are told this discharge of water from the adit at Russell Vale would occur irrespective of the proposed RUEP except that it would occur sooner, be less intense and less polluted. The Department acknowledges that the long term management of outflow water from adits is a regional issue but doesn't appear to be doing anything to improve this disastrous situation.

There are 10,000s of abandoned mines in Australia. The cost of any rehabilitation or remediation falls to the taxpayer. This is reprehensible especially when the mining companies have made excessive amounts of money and were not held responsible for their destructive operations by the approving authority.

So, with this threat hanging over future generations, the Departments solution to the problem is to recommend that after approval of the RUEP that the proponent prepare an Adit Water Discharge Management Plan, within 12 months. This is pathetic.

We have a Planning Department in NSW that can't even look into or plan for the future.

What we believe should happen is that WC should be held responsible for this discharge immediately and be required to prepare this Adit Water Discharge Management Plan now and pay a security bond to the NSW Government to cover all costs of remediation, monitoring and treatment for a long period of time. We need the mining companies cleaning up their mess now.

The rehabilitation costs are confusing at Russell Vale, with the proponent stating that it would cost \$215m to rehabilitate the mine now but the NSWRR only holds a \$12.5m bond. **It is not appropriate that the burden of carrying the rehabilitation cost of Russell Vale should fall on the taxpayers and ratepayers of NSW.**

There is no specific information about which adit they are referring too. There are three adits or portals into the Wongawilli seam that were constructed recently by the proponent. There is at least one historic portal into the Bulli seam and one portal into the Balgownie seam. There is no information given in 3D about the pit top or levels given, so this information cannot be cross checked. This RUEP application is very scant on any information about the upper section of the pit top area.

1. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020- ITEM 178 P48
2. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020- ITEM 188 P49
3. NSW EPA ENVIRONMENTAL PROTECTION LICENCE No.12040 06.05.2019 P13
4. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020- ITEM 184 P49.
5. SECRETARY'S FINAL ASSESSMENT REPORT SEPT 2020- TABLE 4 | SUMMARY OF MINE PLAN AND OPERATIONAL REVISIONS P13.

2.5 DEWATERING AND THE DEGRADATION OF ECOSYSTEMS

The 'Black summer' bushfires left a 13,500,000 hectare scar burn across Australia in 2019-2020 and we can expect more extreme fire weather and longer fire seasons in the future. One of the few untouched areas and refuges was the Sydney Water Catchment Area. **This area has become a sanctuary and consequently more valuable. It should be protected at all cost, especially from short term, very low resources recovery coal mines.**

This mining expansion will drain water from the surface of the catchment, lower the groundwater levels and make it more water stressed. This dewatering, exacerbated by increasing incidence of drought and climate change, will have a marked effect on the ecosystems in the area. With these combined stresses and sudden groundwater loss changes the natural ecosystems, which have adapted over thousands of years, are invaded by new plants and animals. **As the area dries out and lends to an arid landscape it becomes more bushfire prone, as well as losing the ability to sustain its rich biodiversity.**

This project will make the Cataract Reservoir catchment area of the Illawarra Escarpment, one of the few areas of unburnt bush land in NSW, more flammable.

Bushfires can cause enormous damage to water catchment areas by destroying ground cover and changing hydrology, as well as altering the structure, behaviour and erosion of the soil. Chemical reactions triggered by fire can release nutrients, metals and other toxicants stored in vegetation and soil into the water.

This drying and change in fire regimes can also release stored carbon to the atmosphere.

2.6 MINING WATER LICENCES

WC currently held a Ground Water Access Licence (WAL) under the Water Management Act 2000 for 515 ML/year, Licence No. WAL36488. Now WC has been successful in increasing this amount by 100 ML/year.

197. WCL has confirmed that it currently holds a WAL for 515 ML/year and that the company has been advised that it been successful in the bid for allocation for an additional 100 units (equates to 100 ML).

WaterNSW is responsible for managing access to water and ensuring water is shared equitably between the environment, people of NSW and industry. **Why is WaterNSW being so accommodating for these destructive industries in these current times?**

It is time for a review of the whole water licence process and to not tolerate permanent damage to the water catchment.

WC does not currently hold a Surface Water Licence.

199. WCL does not currently hold any licences for surface water use for the region. Based on maximum predicted loss of stream baseflow and reservoir leakage from all mining at Russell Vale, including the proposed mining in the Wongawilli Seam, WCL may require a WAL for up to 10.04 ML/year.

WC may require a Surface Water Licence for up to 10.04 ML/year.

WC has indicated that it is currently investigating trade options to acquire sufficient surface water entitlements but in the event that insufficient entitlement can be acquired, they have indicated that it would negotiate a range of alternatives with Government Agencies.

This proposal should not be progressed until WC holds all the required water licences.

It appears that when the mining companies exceed their water allocations they simply apply for an extended licence.

There is no compunction on their part to operate within their allocation as it will be so easily extended. This process is not to the advantage of the people of NSW.

Water entitlements from licensed water extractions in the catchment in the Hawkesbury-Nepean and Woronora in 2010 were 11,351ML/yr but grew to 31,147ML/yr in 2016.

This is not acceptable; the mining companies should have to pay full price for their water extraction from the catchment area for as long as it occurs.

3. MINING METHOD AND IMPACT

3.1 RISKY MINING METHOD

TRIPLE SEAM MINING

The Russell Vale mine has been worked for 120 years and mined over three seams of coal. The most favourable and most easily won coal reserves were depleted first and now the extraction of more coal on more levels becomes more and more difficult and problematic. Subsidence becomes unpredictable and water loss is compounded. The more mining that occurs in a specific area the more the ground becomes stressed and the more difficult mining predictions become, as the experts move into more unknown or proven domains. The NSWRR says, *“That will further reduce the stiffness of the system. And now we deal with a proposed first workings. I will find it hard to accept that if people said to me, “That won’t change the stiffness of that system” – common sense. I hope you guys understand that. **We’re talking about global stability here**”*. I find it unfathomable **why the NSW Government is so enthusiastic and eager to experiment with our precious water catchment for the sake of a very low resources recovery.**

The NSW Government has come up with a format to deal with these unknown scenarios; it is called “adaptive mining”. It is a system that allows a mining company to experiment, to push the mining envelope and then pull back when there are consequences. This is a method that should not be permitted in our vital water catchment and we should tend to the opposite side of caution.

The mining method is particularly confusing and risky despite being bord and pillar. WC talks the method up using terminology like “non-caving first workings”. The Department has had to rename it bord and pillar as first workings are a mining method used to approach or prepare for coal extraction.

WC and the FAR rarely mentions that the bord and pillar mining is the bottom section of triple seam mining method. The proposed mining is in the Wongawilli seam and has two previously mined seams above it. **Triple seam mining has little precedent in Australia and the impacts are difficult to predict.** This mining method should not be considered in the Sydney Water Catchment area and should never be approved.

BULLI PILLARS

The Bulli seam was historically mined (up to 120 years ago) and is poorly documented. The seam has been sealed off because of safety reasons and the state of some parts of the seam is unknown. WC’s consultants are making assumptions about the stability of this seam. **The NSWRR has expressed concern about the condition of marginally stable pillars in the Bulli seam.** The Principal Inspector stated:

*“without a reasonable understanding of this key risk factor, **we are in the dark in making decisions in relation to Russell Vale Colliery’s proposed revised underground expansion project...** As a subsidence engineer working many, many years, I say this: this is fundamentally important for a meaningful subsidence prediction/assessment and the subsequent development of risk-management plans”*.P8 of transcript

This must surely bring into serious question any evidence provided about the predictions.

The old Bulli seam workings may cause pillar collapse, pillar run and subsequent subsidence at the surface in the order of 1 metre. **This is far from the negligible subsidence that WC is claiming.** The Bulli seam should be accessed, examined and evaluated and stability of the pillars fully assessed before any further mining application in this area is even considered by the DPIE. Even Dr Gang Li of NSWRR agrees, *“New South Wales Government will require the applicants to investigate the old workings involved before consideration of applications”*.

WC should be held responsible to prove their premise that their mining method is stable and all scenarios have been investigated. The NSWRR have stated in a letter that the NSW work, health and safety laws can be appropriately applied to manage risks to the health and safety of workers and other persons to deal with the identified risks. *“the existence, distribution, geometry and stability of significant voids, standing pillars or remnants within any old pillar workings that may interact with any proposed or existing mine workings”*.

Therefore why is it necessary to wait until after approval to investigate these unknown pillars? Surely this is part of the approval process, I can’t get an approval for a carport without showing structural integrity so how can a proposal as complicated as this rely on critical inspection and analysis after approval.

DEVELOPMENT MAIN

The proposed mine layout also includes a development main heading northwest, this is for future coal extraction in Wonga Central. **This development main passes under the Cataract reservoir.** We were informed by WC at the IPC public hearing that no workings were under the high water line of the reservoir, clearly they were mistaken. This driveage should be redesigned and resubmitted.

This driveage was included and approved in the PWP as first workings and didn't require an extract plan. WC made the decision not to extract this driveage under their previous approval and now want to include it in the RUEP as first workings. WC should be required to resubmit the development main to have it reevaluated under today's constraints and considerations. They should not be allowed to mine under the Cataract water body.

LONGWALL COMPONENT

The proposal also contains longwall mining. In 2015 WC made the decision to stop-short their LW6 extraction in a hope that it would be able to obtain an extension to their 365m approval and continue longwalling on under swamp CCUS4. But their PWP expired prohibiting them to extract coal or stockpile coal. They have been unable to obtain their UEP and the longwall mine machine has been trapped ever since.

WC had the chance to remove their longwall machine in 2015 under the Mod 2 approval or even under their Mod 3 time extension but refused. This 25m of longwall should not be approved just to fix one of WC's bad decisions.

WC has not produced an end of panel report for LW6, 6 years after extraction finished, smugly saying that the panel hasn't been finished. This refusal to provide end of panel information deprives the community and agencies of relevant data and is being blatantly opaque.

If WC is allowed to longwall the remaining 25m of LW6, this may cause major subsidence and damage to the swamp CCUS4. WC is working under the assumption that the LW6 was approved in 2014 and that the approval of the Subsidence Management Plan is valid today and can be approved again today, six years later.

WC should be required to resubmit for an approval using today's constraints and to include the information gained from the pseudo end of panel report from the previous mined portion of the longwall. A precautionary approach would be to utilise the empirical data obtained from the subsidence of the 340 metres already extracted to justify the analytical calculations of the remaining 25 metres, especially because this is the most critical section of the longwall in regard to the damage of CCUS4. This is one of the best occasions to apply adaptive management principles and it is only logical.

MINING

Normally Extraction Plans are only required for second workings but because of the risks associated with the mining method (bord and pillar) and the triple seam mining, we believe that **all mining work carried out in the Wongawilli seam should require an Extract Plan.**

Some of the terminologies used and information given by this company and in this RUEP are concerning. Negligent is a word that is used often.

We were told that the mining method would not impact water but now, in the RUEP, it can be managed.

"The proposed bord and pillar mining can be managed to avoid significant impacts on groundwater resources".

The WC CEO told the community that the mining method will be by pillar reduction. (CCC Minutes meeting no.26 21 may 2019 P2)

We should ensure that there will **be no further modifications to this project for any further mining method.** The proponent of this mine has previously obtained approval by stealth by first obtaining approval for first workings and later by applying for modifications to longwall. There must be a binding agreement that no further modifications can be made to this UEP because this proponent cannot be trusted.

3.2 PROPOSED MINING LAYOUT

In this RUEP the area shown to be mined has increased dramatically in size from the previous layout. The layout extends closer to the Cataract reservoir than previously. This extension now encroaches far into the Dam Notification Area and goes right up to the full supply level of the Cataract reservoir. **This is a very risky proposal as it is a three seam mining method, making subsidence predictions and behaviour complicated.** The mining layout should be redesigned to stop short of the Cataract reservoir and at least allow for the 35 degree angle of draw.

The proponent states that it is not proposing to mine under the Cataract reservoir, yet the Wonga Central Development Main clearly passes under the reservoir. WC insist that this driveage is covered under their previously PWP but this approval has expired and now this driveage needs to be addressed and included again under this RUEP approval.

Some areas of mining in the Bulli seam are unknown in regard to layout and stability. Mining under these areas should be avoided at all cost or a thorough investigation and analysis should be undertaken. **The risk of mining under these areas of marginally unstable pillars is too great, especially when WC is talking up this development as a no or negligible impact method.** The pylons for the four power transmission lines are located in this area and all precautions should be taken.

3.3 SUBSIDENCE

The proponent has stated that the Bord and Pillar proposed mining system produces NO subsidence. But now terminologies like “small”, “imperceptible”, “negligible” and “low levels of subsidence” are mentioned. This needs to be clarified as to what this terminology means. They are mostly not included in the project's definitions.

The Revised PPR does state that there is *“however a low risk of the proposed mining destabilising remnant pillars in historical Bulli Seam workings above the proposed workings”*. And *“If these areas of marginally stable pillars are destabilised for any reason there is some potential for additional subsidence movements, however this potential generally exists irrespective of the proposed mining”*. If there was a pillar failure in this area it could easily induce a catastrophic pillar run.

It goes on to say *“The potential for additional subsidence from destabilised pillars in the upper seams is considered low, however cannot be eliminated. Therefore, a suitable engineered solution or alternative method of reducing uncertainty regarding the Bulli seam layout will be outlined in a Built Features Management Plan for the powerlines to be prepared in consultation with the asset owners prior to undermining of the lines”*. **Surely it is not only the built environment that requires protecting and if there is going to be additional subsidence it should be dealt with in this approval process and not left till post approval.**

The Revised PPR also states, *“A number of areas within the UEP Application Area are currently in limiting equilibrium (on the verge of moving) because of previous mining, including Longwalls 4-6 in the Wongawilli Seam. Some ongoing low-level ground movement, mainly horizontal movement associated with previous mining including the Wongawilli Seam longwalls, may not yet have ceased completely. This low-level movement related to previous longwall mining operations has potential to continue to cause low-level impacts to Mount Ousley Road and valley closure across Cataract Creek that may be perceptible. This movement is a legacy of previous mining and is not expected to be influenced by the proposed mining. Movement may continue irrespective of any further mining in the Wongawilli Seam”*. This implies that **WC are no longer responsible for the subsidence caused by their previous longwall mining operations and that somehow the approving authority has to estimate how much subsidence will occur from past mining and how much subsidence will be caused by the proposed bord and pillar mining.** This should not be the case as all subsidence will be caused by WC and should be their responsibility and taken into account in this planning application.

WC say that the subsidence at the surface (350m above the proposed mining) will be 30 to 100mm and that the subsidence in mined seams 30m above will be negligible. How is this possible? It just isn't logical. Subsidence has to be greater than 100mm.

The Russell Vale mine has been worked for 120 years and mined over three seams of coal. **It has basically been run through like swiss cheese.** And it's not only this mine, the problems at Russell Vale are compounded by adjoining mines and vice versa. There is a situation here about the global stiffness of the whole area. Do we just continue on until there is a catastrophic failure?

There is concerning continuing movement and subsidence from previous longwall mining at Russell Vale. **These longwalls were finished 4 years ago and are still creating horizontal movement that could go on damaging Mt. Ousley Rd.** This continuing movement could also have consequences on other features in the area like the faults and dykes. These could move and become wet or connected to a water source.

3.4 IPC PANEL SITE VISIT TO SPECIAL AREAS

The site visit to the Special Areas by the IPC Panel glossed over damage to the water catchment as a result of mining, both recent and historic, showing the Panel an area of swamp that has not been recently impacted. Many areas of damaged land and swamps could have been viewed. The site visit was misleading. Swamps are crucial to the catchment, capturing and storing water in times of rain and slowly releasing it back into watercourses leading to the reservoirs in drought. There are a number of areas that are detailed in the Longwall 4 and 5 End of Panel Reports¹ that have been damaged by WCL's mining and these would have been more suitable sites to show the Panel potential impacts of the project. This would have been particularly appropriate given the that there are several factors which mean that this project is NOT "non-caving first workings" - the mining of the 25m of longwall 6 and also the instability of pillars in the Bulli Seam workings as described by Dr Gang Li, Chief Subsidence Engineer, NSW Resources Regulator, in the meeting with Panel on 13 October.

1. NRE No. 1 Colliery Longwall 4, End of Panel Report and RUSSELL VALE COLLIERY LONGWALL 5 END OF PANEL REPORT accessed at: <http://wollongongcoal.com.au/monitoring-r/>

4. REHABILITATION AND CLOSE DOWN

4.1 MINE CLOSURE AND REHABILITATION

The RUEP has no further detailed assessment of rehabilitation and closure and relies on the current management plan. This is curious because the CEO for WC promised that there would be water treatment provided on site when the mine closed down. However, there is no detail of this in the management plan.

The RUEP states *“The modelled adit drainage rate of up to 0.3ML/day is capable of being managed by water treatment systems. Appropriately treated, this water would be capable of reuse for residential or industrial purposes or discharge into local creek systems”*.

Bellambi Gully Creek was a dry creek prior to the establishment of the mine. **It will not cope with the additional 0.3ML/day and it would change the total ecosystem of the creek as well as add to potential flooding problems.** WC believes that because they have a licence to discharge up to 2.5ML/day down the creek that they are not responsible for the environmental damage to the creek. If this is their attitude then the water discharge allocation should be re-examined and the licence taken off them, until they present as environmentally caring corporate citizens.

And *“As part of the mine closure process, a suitable funding arrangement will be negotiated with the relevant stakeholders to fund the ongoing monitoring and treatment of future water outflows from the adit, if required. The funding arrangement will consider appropriate water quality targets based on an agreed potential end use at the time of closure and will be sufficient for 10 years of monitoring and treatment”*. **This is not mentioned in the existing Mine Closure and Rehabilitation Management Plan and the cost probably hasn’t been allowed for in the revised rehabilitation cost.**

10 years is an insufficient time frame for ongoing water treatment costs and should be more like 100 years or even 1,000 years. It may take until 2057 for the mine to fill with water and reach the adit, the timing should start from this point forward not from when the mine is closed.

The Revised PPR also states that *“to rehabilitate the Russell Vale Colliery including the underground access points and the Pit Top facilities which is estimated at \$215million”*. **To my knowledge the NSWRR does not hold sufficient bond to cover this estimated amount of rehabilitation. There is a necessity for this to be resolved immediately as WC is known to be experiencing financial difficulties.**

The rehabilitation cost for Russell Vale is \$215,000,000. This is staggering considering WC has only provided a security of \$5,657,000 by way of a bank guarantee and the balance of \$1,859,000 as a cash deposit (i.e. \$7,516,000 in total) for the rehabilitation bond for its Russell Vale mine. This disparity needs to be rectified immediately and a greater bond paid. **There is no incentive for WC to rehabilitate the site with only such a small bond holding them to account.** And what will happen if WC goes into receivership once their approval has been rejected. Who will be responsible for cleaning up the mess if they walk away?

Also WC economic data suggests that there is \$57m saving to the rehabilitation by delaying the mine closure.

Currently there is no monitoring for heavy metals discharging from the Russell Vale mine. The EPA has determined that it is not required because it discharges into an estuarine creek. At present WC is only required to monitor electrical conductivity, pH, total suspended solids and turbidity. There is no requirement to monitor or test for salts or heavy metals and yet a large number of people live on or near the Bellambi Gully Creek. The EPA requirement is outdated and likely to be amended in the near future. **The proposed ongoing treatment of this water when the mine closes down should allow for the removal of these salts and heavy metals.**

The FAR says that the rehabilitation plan is to be negotiated after approval of the RUEP *“185.the Department has recommended that WCL prepare an Adit Water Discharge Management Plan, within 12 months of project approval, in consultation with WaterNSW and the EPA and to the satisfaction of the Secretary.”*

This should be done immediately prior to approval. This adit water scenario is going to happen anyway and does not require any further approval. The water is going to pour out of the adits regardless and there should be a plan in place to remediate it. WC and the Government departments have known that this polluted discharge was going to happen and yet want to wait until after the approved RUEP to do anything about it.

There will need to be either a bond put in place to cover this water treatment and monitoring or the Rehabilitation Bond held by the NSWRR needs to be substantially increased to cover this additional item.

4.2 LEGACY MINING

There are 10,000s of abandoned mines in Australia. The cost of any rehabilitation or remediation falls to the taxpayer. This is reprehensible especially when the mining companies have made excessive amounts of money and were not held responsible for their destructive operations by the approving authority.

The NSW Government has a Legacy Mines Program and one of the goals is to “improve public confidence in the mining industry and its regulation”. **This goal should be fulfilled from the front end not a policy addressing the aftermath of a destructive mine closure. It should come from the current mines being assessed right now.**

The Russell Vale mine is a good case in point: it has been mined out by the extraction of coal over three seams for 120 years; the remaining coal can only be accessed using a risky mining method that could destabilise the whole area; the proponent has proved itself lacking in so many ways and the regulating authorities have fail to perform their job. WC’s current liabilities exceeded their current assets and their ongoing costs are being paid for by their owner Jindal Steel and Power. This is a disaster just waiting to happen, the RUEP should be rejected by the IPC and WC should get on with closing down and rehabilitating the Russell Vale site.

WC had previously stated in their Revised PPR that “*to rehabilitate the Russell Vale Colliery including the underground access points and the Pit Top facilities which is estimated at \$215million*”. This was a shock to the community as the NSWRR only held a bond of \$7.5m, it has since been upgraded to \$12m. This figure still falls way short of the required sum. There needs to be a change by the NSWRR in how they calculate the rehabilitation bond.

The IPC, NSWRR and the Department should ensure that this site is rehabilitated now while there is a proponent in place at Russell Vale that can bear this significant cost.

The Assessment Report states, “*The Department accepts that WCL is required to take direct responsibility for management and operational cost of the water treatment systems following mine closure for a reasonable period of time*”. The CCC was informed that WC would treat the water for 10 years after the mine closes down. These statements are grossly insufficient. **The water treatment provided should be: specified for a specific amount of time (not a ‘reasonable period of time’); be for hundreds of years (not 10 years); a specified water treatment standard (potable); not from mine closure but from when water is flowing from adits.**

The FAR has an incorrect interpretation of legacy mining when referring to the ongoing movement created by LW4. *111. The Department acknowledges and accepts that this movement is a legacy of previous mining and is not expected to be influenced by the proposed mining. Movement may continue irrespective of any further mining in the Wongawilli Seam.* It should be noted that this is PREVIOUS MINING carried out by WC/GNRE. **WC is responsible for LW4-LW6 and the subsidence, any subsidence from either the longwalls or the bord and pillar is the responsibility of WC.** If WC wants to use a different method of mining that is up to them but they can not separate the subsidence from one method or the other.

5. WOLLONGONG COAL

5.1 FIT AND PROPER

WC and their parent company Jindal Steel and Power, were recently investigated by the NSWRR into whether or not this company is ‘fit and proper’ to hold a mining licence. The assessment would look at the company’s financial capacity to comply with its obligations under the Mining Act but it stalled for 6 years and then was quietly shelved without making a decision.

We are of the view that this is relevant to any decision made under the Environment Planning and Assessment Act 1979 regarding WC’s development application for the Russell Vale Underground Expansion Project and its RUEP. This is the company that is going to hold the approval for the RUEP and will carry out the mining but the approving authority does not want to hear or know about the proponent’s track record of noncompliance or their ability to carry out the work. **It is vital to understand the capacity of a company before you allow them the right to operate a mine as sensitive as Russell Vale.**

In NSW many Government agencies have a “fit and proper” mechanism built into their legislation but not NSW Planning or the IPC. These two agencies determine approvals for millions of dollars with potentially disastrous outcomes and they do not have a means to check out whether the proponent has the ability to fulfil their imposed obligations.

5.2 WOLLONGONG COAL’S FINANCIAL FRAGILITY

There have been numerous media stories about WCs financial situation and the precarious position they are currently experiencing. Their main shareholder Jindal Power and Steel in India continues to pour good money after bad into this company and is the only reason that Russell Vale continues to operate while both of their two mines are in care and maintenance.

WCs end of year report has some very revealing facts. **This year they sustained a loss of \$380,000,000 for the year, the net current liabilities of \$1,089,243,000 include borrowings and working capital facilities of \$1,064,949,000** Their Auditor stated “*Material Uncertainty Related to Going Concern We draw attention to Note 2 (b) of the financial report, which indicates that the Group incurred a net loss of \$111,990,000 during the financial year ended 31 March 2020 and, as of that date the Group’s current liabilities exceeded its current assets by \$1,089,243,000. These events or conditions, along with other matters as set forth in Note 2 (b), indicate that a material uncertainty exists that may cast significant doubt on the Group’s ability to continue as a going concern and therefore, the Group may be unable to realise its assets and discharge its liabilities in the normal course of business. Our opinion is not modified in respect of this matter*”.

Why is a company that is so financially compromised even being considered by the NSW Government to operate a coal mine that mines under our water catchment area and is situated in a sensitive residential area?

WC’s economic statement and calculations only include the best case scenario and does not consider possible failures, like pillar collapse in the Bulli seam.

The statement does not say that WC will continue not paying company tax into the foreseeable future. They haven’t paid any for years.

They mentioned that a large number of shareholders in NSW would be advantaged by WC being granted this approval. This has been overstated, there are far less shareholders than stated and there is no financial benefit in having shares in this company.

Wollongong Coal has shown that they are incapable of following even basic directions or conditions. By not complying with these conditions and obligations there is a risk that their promised financial benefits may never be realised.

5.3 PRIVATE COMPANY RAMIFICATIONS

WC was delisted from the Australian Stock Exchange in September 2020 and has become a private company owned primarily by Jindal Power and Steel from India.

We have been told that WC will mine and sell all of its coal to Jindal Power and Steel India.

NSW Government has to ensure that by allowing the proponent to sell its coal to the parent company that they will obtain the best price possible. If not **the people of NSW are likely to be short-changed on the meagre royalties they are entitled to** because these royalties are based on coal prices.

We have been constantly told that Russell Vale produces high quality coking coal therefore WC should be made to pay royalties based on the top possible price for top grade metallurgical coal, this will ensure a fair outcome for the people of NSW.

5.4 COAL COMPOSITION

GNRE and WC were extracting and exporting coal to India under previous approvals. They have previously described the **composition of the coal at Russell Vale as 30% rock, 30% thermal coal and 40% metallurgical coal**¹ or 28.6% of the coal extracted is for thermal use².

But now the RUEP is describing it as *“Russell Vale Colliery produces high quality hard coking coal, a product that can help meet the expanding demand for metallurgical coal globally.”*³

The FAR states that the extraction of 1.2m tpa of ROM coal produces approx. 0.2m tpa of reject material⁴, if that is the case **the ROM coal now contains 83% of metallurgical coal** because there has been no mention anywhere in recent documents about thermal coal.

If this amount of reject coal is actually more than stated it creates a problem for the amount of fill produced and transported and also will WC be permitted to extract more coal in a year to produce their allowable 1m tpa of product coal.

We would also like to know when the coal composition changed so dramatically and whether the proponents have been paying the correct amount of royalties to the Government.

1. *‘Currently the yield estimate is 40% coking coal, 30% thermal and the rest is ash.’*

MINUTES FROM CCC MEETING No.6– 3 JUNE 2013 P4

2. *‘The fraction of coal that is used for thermal purposes will not change from the current approximate 28.6% of ROM coal extracted from Wonga East.’*

MINUTES FROM CCC MEETING No.7– 13AUG 2013 ITEM 4 P4

3. REVISED PREFERRED PROJECT REPORT AND RESPONSE TO SECOND PAC REVIEWFINAL JULY 2019 P 194

4. SECRETARY’S FINAL ASSESSMENT REPORT SEPT 2020 P64

5.5 STAFF NUMBERS

The RUEP states they will require approximately 205 staff. Surely these numbers will only be required for the maximum 1 million tonne extract period and will not be over the whole 5 years. Given that WC will be extracting 3.7 million tonnes over 5 years, it is unlikely they will ever reach the 1 million tonnes a year extraction rate and also their approximately 205 staff.

We believe that the 205 staff is an **exaggeration and brinkmanship on part of WC**. They have done this in all previous applications and modifications. The Preliminary Works Project and the modification mentioned jobs between 337 to 250 jobs. When job numbers were requested at the Russell Vale CCC the proponent refused to release job numbers citing ‘commercial in confidence’. Their Wongawilli mine time extension **MOD1 mentioned 300 jobs but when job numbers were released in the Wongawilli CCC they varied from 100 up to 142 jobs.**

WC needs to provide an accurate staff schedule to justify their numbers and include staff number updates at all CCC meetings. Many Australian jobs now face a high risk of automation, particularly in an industry like mining and those remaining sadly face casualisation instead of secure full time permanent positions.

Also the employment definition is just one-hour of work a week, this was ratified in 1982 by the International Labour Organisation and is used in Australian employment statistics today. **Therefore one job does not actually mean anything these days;** it is open to interpretation and deception.

There is no mention as to whether the staff will be full time, part time, casual, permanent or contractors? **WC has always used contractors** in the past and these contractors usually do not receive the normal benefits of full time employment and should be considered part time or substandard positions. **WC is in the process at this very moment of trying to remove industrial workplace agreements from Russell Vale.**

When Jindal Steel and Power became major shareholders in GNRE and changed the name to WC they **immediately fired hundreds of workers and they seem to have developed a hire/fire mentality.**

The type of employment offered will be based on resources recovery and how efficiently that can be achieved. This proposal is suggesting an old bord and pillar method that will be designed (we are told) for a long term stable environment. This means larger pillar dimensions and less extracted coal. The proponent has said it will have a 35% resources recovery; longwall mining methods have 85% resources recovery. **When a system reduces yield it has repercussions down the chain and lowers all benefits like jobs.** We do not want substandard jobs, particularly in an industry like underground mining.

The Illawarra requires long term stable jobs. WC does not have the ability to provide their staff with continuous work by simply obtaining substantial back to back approvals for their mines. This RUEP, if approved, is only for 5 years and what do they have in the pipeline, there are no other projects being assessed or applied for. The UEP has taken 11 years to get to this determination point.

“Wollongong Coal has been identified as the company whose unpaid debts helped sink mining services group Delta” Illawarra Mercury reported 18 Aug 2017. WC’s lack of finance has direct repercussions on workers' jobs and livelihoods. **It is impossible to have reliable jobs when a company is so compromised.**

Wollongong Coal has said they will **only be employing 20% local workers**. This doesn’t help our local economy at all or give some sort of compensation to the suffering local community.

It should also be noted here that **this coal will never benefit Australia or maintain any steel manufacturing in our region**. All the coal is exported to India for use by the parent company of WC. It will not support jobs beyond those few extracting it from the ground and transporting it to the ships at Port Kembla.

It is not beneficial in any way to regional steel manufacturing and will in fact produce steel that is detrimental to the current local manufactures. **Steel made in India will be cheaper than Blue Scope and Jindal Steel and power steel will be in direct opposition to Australian made steel. This means that the export of this metallurgical coal puts jobs in the Australian steel industry at risk.**

5.6 WOLLONGONG COAL’S PLEA

WC’s Executive Chairman pleaded with the community on the regional news, *“If you give us a chance you will see, in a very peaceful manner, as to how we progress in this application and get approval and start mining, the perception will change”*.

WC has had a chance to show the community and Government Agencies that they are capable but so far have failed miserably.

Their two mines are not producing, they have buried their longwall machine at Wongawilli, they are unable to get out their longwall machine at Russell Vale because they stopped short of their approval, they have tried to shirk their PWP obligations, they have failed to pay fees and levies to the Government, they still haven’t paid their security bond to Council or dedicated land as per their approval, etc.

WC has had enough time to prove itself and has failed miserably.

5.7 PROPONENTS PLANNING HISTORY

It has been shown that the proponent of Russell Vale mine historically amends their approval to include other undesirable aspects.

They modified the Preliminary Works Project to allow them to Longwall mine under an approval that was initially only approved for first workings.

They are currently proposing a modification to remove a condition of realigning Bellambi Gully Creek and not fulfil their obligation under the Preliminary Works Project approval.

They have been criticised by the community and Government Agencies for obtaining approvals in a piecemeal manner. One of their modifications only allowed for mining work for 1 month.

They obtain approval incrementally or by stealth. They are now, under this revision to the UEP, attempting to include coal processing at the Russell Vale site. This is another incremental shift in their approval process and should not be allowed.

There is no guarantee that WC will not apply for additional modifications to allow secondary workings (pillar extraction or pillar reduction) or amendments to conditions or statement of commitments. They have done these things in the past, we need a solid guarantee that no further modifications will be applied for at this mine.

5.8 UNMET COMMITMENTS

Truck loading facilities¹: The Preliminary Works Project included approval and commitment to load trucks out of the old loading bins but this never was met. The proponent kept saying that work was being done to operate the bins but it never actually happened, it was just talk. They have only ever loaded the trucks off the stockpiles with tractors. This is archaic

and a considerable dust and noise generator. Now WC is offering this again for the first 2 years. How can we now believe that they will commit to constructing the infrastructure that they have promised? The only sure way is to have all the infrastructure in place at this mine prior to the extraction of any coal. If this isn't done it will be another 10 years before they up to date facilities at this mine.

Covering conveyors²: The proponent is again offering to cover all conveyors to minimise dust and noise. We have been through this scenario before with this mine proponent. They informed everybody at the information sessions that all conveyors would be covered and even the diagrams in their EA clearly showed the extent of conveyors.

The most prominent section of conveyors has never been covered. This section of conveyors has now been called a "tripper" and so does not need to be covered. This tripper is one of the most problematic areas in sound generation at night. Under the new Revised UEP the tripper will be locked in place and only discharges at one point but WC still refuses to cover it to reduce noise and sound. We have been told that the tripper will be locked in place and does not move. If this is the case then it is no longer a tripper and surely it is just part of the conveyor and should be covered?

Sealed roads³: The Revised PPR and WC are not considering sealing all roads for trucks. The roads through the stockpile and working area will not be sealed and WC has no intention of even considering the option. This is curious as previous proposals have always stated that all roads would be sealed to reduce dust (and no doubt drip waste from trucks). It is even more relevant with the Revised PPR as the trucks will be going down into the stockpile working area to access their proposed loading facility. Previously the loading facility was proposed off the main sealed driveway higher up on the site.

Bellambi Gully Creek realignment⁴: The Bellambi Gully Creek realignment condition was required to be completed in October 2012 under the Preliminary Works Project approval. The only reason given to the community for not realigning the creek was lack of finances.

In December 2016 DPE served an Order to replace the underground pipe section of Bellambi Gully Creek in accordance with the Environmental Assessment and Statement of Commitments in their PWP approval by June 2018.

In July 2020 WC was again fined by DPE for not complying with their Preliminary Works Approval conditions to realign Bellambi Gully Creek to protect it from flooding and pollution. They were also issued with an Order for to complete the realignment within 1 year from the issue notice.

WC unnecessarily prolonged the realignment of Bellambi Gully Creek.

This proponent cannot be trusted to deliver on any condition, commitment or order. Therefore all infrastructures should be in place prior to any coal extraction to safeguard the neighbouring residents.

1. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 3.3 COAL HANDLING FACILITIES P60

2. DITTO 12.6 MANAGEMENT AND MITIGATION P190

3. INITIAL UNDERGROUND EXPANSION PROJECT 11 FEB 2013 2.3ROMCOAL PRODUCTION AND HANDLING P29

4. PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- SOIL AND WATER P29

5.9 ABILITY TO CARRY OUT WORK

WC has had a very perilous and problematic history and they have only been operating for 16 years. They have mined very little coal in that time and that is

Risk bond to be held over WC

whether the person has demonstrated to the decision-maker the financial capacity to comply with the person's obligations under the mining right,

BURYING THEIR LONGWALL

NOT BEING ABLE TO OBTAIN APPROVAL FOR CONTINUOUS WORK

NOT HAVING THE MONEY TO MEET OBLIGATIONS

5.10 COMMUNITY DONATION TESTIMONIAL

Community members have provided false testimonial for WC's generosity but this benevolence was instead an 'Enforceable Undertaking' in lieu of prosecution by the NSW NSWRRs. Under the Enforceable Undertaking WC is required to provide bank guarantees, pay fees a year in advance, as well as; giving \$10,000 donation to a local charity or community group each year until 2023 and lease the WC property to Little School Preschool for \$1 per annum (reduced from \$26,000 per annum) for at least until 1 January 2023¹.

The community requested that WC provide a list of donations so we could ascertain what were real donations and good will at the last CCC² but we will have to wait 4 months until the next meeting until we get a response.

1. NSW NSWRR- PROSECUTION SUMMARIES- ENFORCEABLE UNDERTAKING 7 JUNE 2018
https://www.resourcesregulator.nsw.gov.au/_data/assets/pdf_file/0003/817473/Tab-B-Decision-Document-WCL-and-WCPL-Enforceable-Undertaking-Jun-2018.pdf
2. MINUTES FROM CCC MEETING No.32 AUG 2020- 68.3 GENERAL BUSINESS P6

5.10 CONSIDERATION OF PROJECT ALTERNATIVES FOR RUSSELL VALE

The Revised PPR consideration of project alternatives stated, “*Withdraw the UEP application and close Russell Vale Colliery. The option was not considered a feasible alternative due to the significant investment in the UEP from WCL to date and the extent of valuable coal resources remaining in the colliery holding*”.

The option however should be considered by the approving authority. Why should the community or the authority consider WC’s poor significant investment option in the Underground Expansion Project? This coal resource has no value compared to the value lost by the damage to the water catchment and of lost and polluted waters.

Approval should not be made to correct WC’s (JSPL) poor judgment

WC will mine and export metallurgical coal to their parent company (Jindal Power and Steel) in India. Already Jindal currently obtains 78% of their quota of metallurgical coal from mines in Queensland. These mines already have approval and do not mine or threaten any water catchment of a large metropolis.

5.11 MISLEADING INFORMATION

The proponent has been involved in presenting misleading information at this Russell Vale mine.

The proponent has previously offered promises that have never delivered on.

- **Bellambi Gully Creek realignment** was required under a PWP condition¹ and must be the penultimate noncompliance that involved not only both proponents but also NSW Planning Compliance. The creek still has not been realigned nine years on.
- In the PWP Mod 1 the proponent offered in their assessment report “*Gujarat has also informed the Department that is willing to carry the **liability of clean-up costs** associated with any rainfall event that leads to overtopping of the culvert and subsequent flooding and surface erosion*”.² The Department confirmed this agreement but no agreement ever existed.
- In PWP Mod 2 the proponent offered in their assessment report to **sweep Bellambi Lane**³. But they have never swept the lane, citing that Wollongong Council sweep the kerb and channel. This is not sweeping the street as promised.
- Under their PWP and at numerous community information sessions, the proponent promised to **cover all conveyors**⁴. The proponent has now determined that the end section of the conveyor is called a tripper and so therefore does not need to be covered. This section of the conveyor is the most exposed to the residential areas and is the most critical to be covered.
- Under their PWP the proponent was required to provide **sound walls** to protect the Russell Vale community from noise⁵. The sound walls were one of the first conditions to be removed.
- The PWP approved that the proponent stockpile 80,000 tonnes of coal on the Russell Vale site⁶. **WC stockpiled 407,000 tonnes on site** (80,000 tonnes ROM coal, 176,000 tonnes high ash coal and 200,000 tonnes oversize coal). It required numerous attempts, including the intervention of the Environmental Defenders Office, to have the stockpiles removed under two Development Work Orders from NSW Planning Compliance.
- The PWP approval said that they would **reactivate the existing truck loading facilities**⁷ in the interim until a new truck loading facility was constructed under the UEP. This also meant they would be able to stop loading off the stockpile using tractors that are a major dust and noise generator. WC has now informed us via the CCC that they will continue to load off the stockpile during the RUEP.
- The PWP and the initial UEP stated that only run **ROM coal** would be extracted and transported from the Russell Vale mine⁸. This was to cut down the processing on site and reduce noise and dust for the surrounding residents. When Jindal Steel became the major shareholder in the company the attitude changed and now they are processing coal on the very restrictive site.
- The proponent stated in their PWP that coal would only be extracted using first workings and pillar extract⁹. Once they had approval they obtained a Subsidence Management Plan from the Government Authorities to longwall LW4. They then went on to obtain modifications to their PWP for 3 **longwalls**¹⁰. WC is also going to include longwalling in their RUEP.

- A 1986 approval for **waste coal emplacement on adjoining land** required the proponent to dedicate 4 lots along Rixon Pass Road to the Wollongong City Council¹¹. This land has never been dedicated despite GNRE owning the mine since 2005 and then WC since 2014, that is 15 years for a land transaction.
- In May 2014 a request was made via the CCC for the Council to Audit its approval conditions for the emplacement area¹². It was found that almost **half of the 54 conditions were not being met** by the proponent, some of them are not being met today.
- One of these conditions was a **security bond** that was required to ensure work was carried out properly¹³. This bond amounts to \$15,000 per year over 30 years, that is \$450,000. It has never been paid.
- Consultation with the community

These are all major transgressions and should be taken into consideration in any future considerations of project approval. WC cannot be trusted to fulfil their promises or obligations. What is the point of imposing conditions on a company that has no finances to back them up or an inclination to care about the environment or the community?

1. PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- SOIL AND WATER P29
2. CLEAN UP
3. PRELIMINARY WORKS PROJECT MOD 1 RESPONSE TO SUBMISSIONS NOV 2012 ITEM 5 P20
4. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 12.6 MANAGEMENT AND MITIGATION P190
5. PRELIMINARY WORKS PROJECT EA 1 OCT 14.4EQUIPMENT AND DESIGN MITIGATION P210 & PRELIMINARY WORKS PROJECT APPROVAL 13 OCT 2011 APPENDIX 3: STATEMENT OF COMMITMENTS- ACOUSTICS P27
6. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 2.3ROM COAL PRODUCTION AND HANDLING P35
7. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 3.3 COAL HANDLING FACILITIES P60
8. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 1.1PROJECT OVERVIEW P5 & INITIAL UNDERGROUND EXPANSION PROJECT 11 FEB 2013 EXECUTIVE SUMMARY Pi
9. PRELIMINARY WORKS PROJECT EA 1 OCT 2010 3.2 MINING P53
10. NRE No. 1 MINE PRELIMINARY WORKS PROJECT MOD 1 EA - MAIN REPORT
11. WOLLONGONG CITY COUNCIL DETERMINATION DEVELOPMENT APPLICATION D84/599 5 FEB 1986 CLAUSE 13 P3
12. WOLLONGONG CITY COUNCIL TABLE OF COMPLIANCE - DEVELOPMENT CONSENT No. D1989/839 54 CONDITIONS
13. WOLLONGONG CITY COUNCIL DETERMINATION DEVELOPMENT APPLICATION D89/839 11 APRIL 1990 CLAUSE 4 P2

5.12 NO RESPONSIBILITY FOR PREVIOUS MINING

The Assessment Report states, *“SCT identified that several areas within the UEP area are currently in limiting equilibrium (on the verge of moving) because of previous mining, including Longwalls 4-6 in the Wongawilli Seam. Some ongoing low-level ground movement, mainly horizontal movement associated with previous mining including the Wongawilli Seam longwalls, may not yet have ceased completely. This low-level movement related to previous longwall mining operations has potential to continue to cause low-level impacts to Mount Ousley Road and valley closure across Cataract Creek that may be perceptible”*.

Eight years after longwall mining there is still subsidence that can cause damage on the surface. Regardless WC is responsible for this subsidence damage.

WC is preparing the way to move the blame for cumulative subsidence influenced by their bord and pillar mining. How will the monitoring be divided up between the different mining methods, who will decide what subsidence or what damage is attributed to what part of the mine? As the mining company is the same, subsidence should just be subsidence, regardless of the mining method or approval.

6. GLOBAL IMPACTS

6.1 CLIMATE CHANGE

The tide has turned on coal. The 2015 Paris Agreement sent a clear signal that the era of fossil fuels (in particular coal) is coming to an end. Around the world, evidence grows of the coal industry's steep and irreversible decline.

Worldwide proven coal reserves would allow us to burn it for 110 more years. Yet if even a small fraction of this dirty, polluting ore is mined and burned, we have no chance to stay within 1.5 degrees Celsius of temperature rise. Beyond this level of warming, many impacts of climate change become severe in some regions, including our own.

The coal industry would have us think we need this dirty product to meet growing demand for steel and energy. This is simply untrue. **We can no longer listen to or believe these incumbent industries.**

We can't wait any longer to break free from this coal addiction. We know that to prevent catastrophic climate change we need to move away from coal now and that climate policy requires that much of the world's reserves of coal remain unmined. There is no time left for overseas steel manufacturers to transition to green nonpolluting manufacturing methods.

The science is clear and action is needed now!

Australia needs to take responsibility for its mined and exported coal regardless of whether it is thermal or metallurgical coal.

The NSW Government has released the NSW Climate Change Policy Framework, which commits NSW to the aspirational objectives of achieving net-zero emissions by 2050 but does not offer any policy regarding transitioning from GHG emitting industries. While all over NSW Councils are declaring Climate Change Emergencies our State and Federal Governments appear to be sitting on their hands. We need a policy that addresses kerbing GHG emissions rather than reacting to its aftermath.

Carbon dioxide and other greenhouse gases are produced in NSW by the following top three activities or sources: stationary energy sources, such as coal-fired power stations (47 per cent); transport (18 per cent); and coal mines (12 per cent). All three can be attributed in some degree to the Russell Vale mine. Not to mention the emissions from the steelmaking industry.

Also on top of these GHG emissions from this mine, Russell Vale's mining area is under the Sydney Water Catchment and threatens our vital water resource.

It is time the NSW Government and the planning approving authorities started to act with determination and urgency.

Our attitude to climate change is shifting as the events in these unprecedented times become the norm. We have recently seen droughts in the Sydney area of NSW and suffered extreme water restrictions. Some rural areas of NSW are still in drought despite Australia moving into La Nino weather patterns. The Sydney water audit states that there is a decrease in the water captured in the water catchment area. We have to change our perspective to encompass the new normal in regard to rainfall over our vital water catchment area and realise how precious every drop is.

We experienced 'black summer' bushfires that left a 13,500,000 hectare scar burn with billions of wildlife and insects lost with diminishing habitat. These apocalyptic scenes have left us with a profound appreciation and guardianship over the remaining wildlife habitat.

6.2 GHG EMISSIONS

More Greenhouse Gas Emissions when we need to reduce emissions.

If the Russell Vale coal project goes ahead, an additional 304,600 t CO₂-e per annum of Scope 1 and 2 emissions will be added to the NSW GHG inventory at a time when NSW Government policy requires a reduction in GHGs of 35% by 2030. In a recent submission on the Narrabri Gas project, former Chief Scientist of Australia Professor Penny Sackett stated that meeting NSW's own 2030 GHG target "*will require an annual new reduction of about 2.4 MtCO₂-e per year, year on year*". **The Russell Vale project would add about 0.3 MtCO₂-e every year for the next five years, thus working in the opposite direction and nulling about 12% of the intended reductions in all other areas of NSW industry and commerce.**

Russell Vale will become one of the top 100 GHG emitters for very little coal.

If approved, Russell Vale would be in the top 100 largest emitters of Scope 1 emissions in Australia. Russell Vale is a gassy mine, meaning a lot of methane would be released into the atmosphere during mining. Australia is already - by far -

the largest exporter of metallurgical coal. Russell Vale would add only a very small volume of additional coal (about an extra 0.25% per annum) to export volumes but it would add a large volume of GHGs to NSW's inventory.

Scope 3 emissions accounts for about 86% of the total emissions and WC has totally discounted it or given it any consideration. I believe that the miner has to take some responsibility for the ore they dig out of the ground and the pollution that it can produce. They are directly accountable for its presence in the global market and its inevitable inclusion in the GHG global inventory.

WC's document states that *"the Revised Preferred Project, in isolation, is unlikely to influence global emission trajectories"*. **When it comes to climate change nothing can be taken in isolation.** What arrogance on the part of the proponent to think they are beyond the cumulative effect of GHG emissions from Russell Vale. I don't think that the millions of tons of CO2 produced from this mine is negligible.

The ongoing approval of these minor insignificant mines is hindering the transitioning away from coal and antiquated manufacturing methods of steel production. The export of metallurgical coal to a third world country for antiquated steel production is not helping the transition to clean green steel. **It inhibits those mechanisms that would drive the rapid up-take of alternative technologies for steel production** - technologies which currently exist at commercial scales even though they haven't been widely implemented.

It should also be noted here that this coal will never benefit Australia or maintain any steel manufacturer in our region. All the coal is exported to India for use by the parent company of WC. It will not support jobs beyond those few extracting and transporting it from Russell Vale. It is not beneficial in any way to regional steel manufacture and will in fact produce steel that is detrimental to the current local manufactures.

There is no mention in the RUEP of the purchase of green energy. This type of acquisition brings about change to more sustainable energy production and to some degree may achieve carbon neutrality of the project.

The original Underground Expansion Project Statement of Commitments states *"NRE will investigate opportunities to capture and/or use methane, 2015 onwards"*, this commitment has not been brought forward or continued on to the RUEP. **This is something positive that WC could do to reduce GHG emissions or even investigate flaring the fugitive methane.**

The Russell Vale GHG inventory has not considered the CO2 lost from the carbon sinks currently in the catchment area. The mining dries out the swamps that release CO2 and then as the swamps, scrub and forests in the water catchment change becoming more bushfire prone and burn more CO2 is lost to the atmosphere.

7. PLANNING MATTERS

7.1 ANOMALIES IN THE PLANNING PROCESS AND REGULATION

Documentation should be simple and easily read. A 3D model of the pit top site and the mining layout should also be provided. **All development applications these days have 3D modelling to aid and help the community understand exactly what is going on, especially in relationship to heights and context.** It would be possible to see sightlines (noise lines) and present a better representation of the existing features (legacy mining, previous mining, adjoining mining, geological features and surface water) that could be impacted by proposed mining. 2D documentation is an antiquated method of conveying information.

The mining companies are required to self-monitor and self-regulate. This system has become unworkable at Russell Vale with the proponent doing whatever they like. The community has difficulty convincing the authorities that there is wrongdoing because they believe the mining companies. **It would be better for the mining company to be monitored by the Government Agencies** and paid for by the proponent. This would create a better environment for the community.

Wollongong Coal has shown that they are incapable of following even basic directions or conditions. By not complying with these conditions and obligations there is a risk of impacting the community, environment and the promised financial benefits. **To ensure that these conditions are met and the company performs responsibly the NSW Government should hold a substantial bond to ensure the company can carry out the work in an appropriate way.**

Water loss figures from the Sydney Water Catchment Area come from the mining companies. There should be **a more robust and independent system set up in the catchment by the Government authorities to give actual and accurate figures of our precious water loss, rather than relying on the perpetrators.**

Everything the mines say is taken by the authorities as gospel, it is only challenged when the community pushes them to investigate. Even then they just ask the miner direct questions

NSW Planning Compliance does not investigate when a complaint is made they just ask the mining company and then use that information in a response. They believe everything the company says over the community. They will only go on site and investigate when it gets overwhelmingly obvious that there is something wrong or the community persists.

Consultants involved in the projects are engaged by the mining companies and this has very biased repercussions. The consultants are directed to justify their clients' agenda and not necessarily the best outcome. A better solution would be for the consultants to be engaged by NSW Planning but paid for by the proponent.

It is the same thing with peer reviews, they are carried out by the same consultants that have worked for the mining companies and they have a conflict of interest. In this project, one of the consultants employed for the peer review was actually already working for the proponent.

There are major components of the planning process that are determined behind closed doors without public scrutiny or comment. It is bad enough that the proponent has meetings with Government Agencies that are not recorded and made public, there is no transparency in the NSW Planning system. Important Extract Plans and Management Plans are decided behind closed doors and the community does not get a chance to review or comment.

And this is what is proposed with so **many facets of this project, numerous major items relegated to be investigated or produced post approval. This is not a sensible or transparent process.**

7.2 INDEPENDENT EXPERT PANEL FOR MINING IN THE CATCHMENT

"The Independent Expert Panel has been established to provide informed expert advice to the Department of Planning and Environment on the impact of mining activities in the Greater Sydney Water Catchment Special Areas, with a particular focus on risks to the quantity of water in the Catchment."

This panel was touted as being the 'go-to advisers for mining in the catchment but it just appears to be another panel to be consulted during the planning process. A panel stacked with

The Independent Expert Panel for Mining in the Catchment (IEPMC) was to focus on the risks to the quantity of water in the catchment but when the reports were finished we were not any closer to putting a figure of how much water is lost from the catchment due to mining.

The report gave a few averages of water loss rates or less than loss rates but then the panel mentioned the Sydney Desalination Plant capacity and estimated leaks from the supply infrastructure as if they felt obliged to play down the water loss.

All water loss figures were obtained from the mining companies; there is no way to verify this information.

The water losses from above Russell Vale historically are not known because there is no baseline information.

The IEPMC was formed with very restrictive terms of reference. It would be advantageous to allow the panel (that are experts) to determine their own objectives and direction.

That became very apparent very quickly when they tried to steer all speakers in a certain direction, probably towards the IEPMC agenda. The only thing they want to talk about was about their produced adaptive management plans, triggers, TARPS and monitoring. They were not interested in listening to everyone's basic fear about our catchment area and water.

7.3 PECUNIARY INTEREST

It is disappointing that the planning process for polluting coal mines allows the people who are going to financially benefit from the development an opportunity to influence the planning determination. Usually we have to declare if we have made a donation to a political party but it is possible to be in the employment of the proponent making thousands of dollars from the development and be allowed to comment. It isn't even necessary to declare your pecuniary interest. This is a dereliction of principles for the NSW planning and the IPC systems and merely caters to the coal fraternity. The IPC should for the sake of transparency require, at the least, that all submitters declare their interests in the project. It was clear during the IPC public hearing that members of Wollongong Coal staff presented from the offices at Russell Vale mine, probably while getting paid. We don't think this is appropriate.

7.4 FIT AND PROPER PROVISION

In NSW many Government agencies have a "fit and proper" mechanism built into their legislation but not NSW Planning or the IPC. These two agencies determine approvals for millions of dollars with potentially disastrous outcomes and they do not have a means to check whether the proponent has the ability to fulfil their imposed obligations.

We believe that this fit and proper provision is a vital component and consideration of planning approval especially for State Significant Development.

Illawarra Residents for Responsible Mining (IRRM) was formed over 8 years ago initially to alert the community about the Underground Expansion Project at Russell Vale but found that the proposal was excessive, damaging and unmanageable. Many environmental and community groups joined us in directly opposing this expansion project especially because of damage to the water catchment.

IRRM has been observing the proponent (GNRE/WC) at the pit top and their operation, all their noncompliance, dysfunction and pollution.

We have also been appalled by the poor governance by state and local government authorities about blatant non-compliances that we could see over the fence. We are very concerned that similar problems and breaches are occurring up in the catchment area where we cannot see or monitor. We are also concerned that this poor governance and non-compliance will continue in any further approvals.

We believe that WC is incapable of following regulations and conditions that may be included in any of their future approvals. There is an abundance of evidence to corroborate our claim.

IRRM is also concerned about the unresolved issues of this approval, major items that will be considered or conditioned for after approval. We believe that all of these issues and conditions should be dealt with PRIOR TO APPROVAL.

The small resources recovery from this proposed project is not worth the risk on our water catchment or the impact on the local community.

This Russell Vale RUEP is not in the public interest and we ask that you reject this application from WC and commence a process to close the mine at Russell Vale permanently.

Thank you for considering this submission.
Illawarra Residents for Responsible Mining.