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Chair, Russel Vale Coal Underground Expansion Project Hearing
Independent Planning Commission of NSW

Dear Panel Members

Submission to the Hearing on the Russell Vale Coal Underground Expansion Project

Thank you for this opportunity to make a submission on something that affects us all.

I object to the Application being approved.

I consider myself directly affected.

Recent experiences and why this Application directly affects me and mine.

In September 2018 and July 2019 we journeyed to visit family in central and north-western New South Wales. I have never seen those areas so dry and barren despite many years of living, staying and visiting in those areas

In November 2019 we travelled over several weeks through Braidwood, Nelligen, Batemans Bay Mogo, Moruya, Tuross Heads, Tilba, Eden, Mallacoota, Cann River, Bombala, Cooma, and back through Canberra and Bungendore to land we have south-east of Goulburn. There was an ominous quality of drought and hot dry strong winds throughout the journey. Coming up the highway through Bombala and Cooma we had not only strong wind across a barren landscape but also dust making driving difficult. Meanwhile we were hearing reports of the fires in the north of the state. By the time we approached Bungendore, we could see smoke of the fire to the south-east, that would soon close the road to, and threaten Braidwood.

For us this was the start of anxious months holding our breath (and yes, smoke in Sydney was another reason to do so) in almost daily expectation of seeing property and years of work lost. The Currowan Fire complex and its related off-shoots, stretching from Moruya in the south to Bundanoon in the north, came within a kilometre or so of the family property and hovered. Several times hasty evacuation from the property occurred as the fire conditions worsened. We watched as the fire complexes in the south of the state badly burnt through places we had visited on our holiday and we grieved for those communities. In some cases the history that made them a destination and supported the local economy, was lost.

In Sydney we were dealing with increased water restrictions, being careful with washing, reducing showers, siphoning grey water to try and keep the garden going, carrying water to keep the tadpoles (in the garden) alive and paying extra on our water bill for the desalination plant to operate. We did our bit to preserve Sydney's water supply and we continue to do so, taking note of SydneyWater's continued public promotion of water saving.

Despite rains and almost full dams, we are still on water restrictions (source - <https://www.sydneywater.com.au/sw/water-the-environment/what-we-re-doing/water-restrictions/index.htm>) and the desalination plant has been still operating partly in response to bush fire ash being washed into the water supply. Peter Hannam, in the Sydney Morning Herald on 14 August 2020, reported:

However, the government says the plant is also needed to run in case SydneyWater has to respond quickly to water quality issues related to last summer's fires.

To shut it entirely would cost \$15 million to restart and take eight months to get to full capacity, which amounts to about 15 per cent of Sydney's water supplies.

(source - <https://www.smh.com.au/environment/conservation/sydney-water-quality-issues-keep-desal-plant-running-20200813-p55lfw.html>)

In these circumstances, I consider myself, and my family, directly affected by the matter of the Wollongong Coal Limited application as it will impact on the security and of Sydney's water supply, drying of landscape and extreme weather conditions and bush fire caused and/or exacerbated by climate change. We felt it, we lived it and we paid for it even though we were spared the worst of it.

Climate change has been a real factor in the drought and the extent, ferocity and unpredictability of the fires. Climate change is global. It does not matter where emissions actually happen, we are all affected and have to deal with the devastation of extreme weather events and rising sea levels. Increased emissions in India will impact on us. The global affects are not merely in changes to the climate we experience here and associated extreme weather event but also include uncertain and dangerous changes in world security as populations face hardship and resources are short. To whom will we be providing refuge? With whom will we be engaged in war or trade?

It is ultimately an expensive miscalculation by the NSW Government to say it is up to the end user countries to account for and deal with the emissions. We pay individually and through disaster relief for damage done here.

In any case, emissions in NSW from this proposed mine will also include significant quantities of methane as it is a 'gassy' mine. The level of methane was an issue identified as a risk factor in a machinery incident in the past. The mining and transport of the coal will also involve considerable emissions. These will impact significantly on New South Wales attempt to reduce its emissions in line with its policy requiring a reduction in greenhouse gases of 35% by 2030.

In addition, as Wollongong Coal has for instance, not been paying payroll tax, it is hard to see where NSW will recover the cost of off-setting the additional emissions, which may cost about \$24million.

Recommendation

*The IPC should **not approve** the Application.*

Risks including to water, swamps, bio-diversity

It is a constant failing of the planning process to keep saying the effect of this action or that usage is negligible or insignificant. Each and every change accumulates with 10 ML of surface water lost here and 288 ML being drawn down somewhere else, a little subsidence here, more over there, and so on. The DPIE Assessment says:

213. The Department accepts that the surface and groundwater-related impacts associated with the proposed mining are largely limited to induced drawdown impacts from the triple seam mined areas and are limited to very minor reductions in baseflow in Cataract Creek, Cataract River and Bellambi Creek. The Department also accepts that leakage from the Cataract Reservoir due to depressurisation of the regional groundwater system would be negligible.

But it should be noted, not non-existent.

214. *These conclusions are confirmed by the Uncertainty Analysis conducted by HydroAlgorithmics Pty Ltd and accepted by peer reviewer, Dr Kalf. Further, the groundwater peer reviewer, Dr Merrick, agrees that:*

*“due to the substantial depressurisation that has been caused by earlier mining at the subject mine, and at neighbouring historical mines, the additional effects of mining the Wongawilli Seam with non-caving first workings are considered minor”.*_ _

It is noted that Wollongong Coal Limited does not have a license for surface water for the 10ML and is unlikely to be able to achieve it out of existing water licenses. This appears to be a sleight of hand where 10 ML flowing across somewhere else is nominated as replacing this 10ML lost from surface water. It is a real loss.

We are as residential users curtailing our water use for what reason, when such large amounts as talked about here can so easily be written off as ‘negligible’?

There still seems to be some perception left over from colonial expansion into ‘undiscovered’ and ‘undeveloped’ bits of the earth that there will always be more somewhere to keep on using. Of course that view was never realistic as the ‘undiscovered’ lands were already occupied by integrated communities of humans, fauna and flora. The planet and its resources are finite.

We cannot ‘magic up’ more water. If we take it from one place we deprive another. More and bigger dams will merely drown more arable land, destroy more world heritage areas, obliterate cultural heritage and damage environmental flows needed by our rivers. Desalination plants cause increased salinity as a by-product, and meanwhile have associated emissions of greenhouse gases from the production of the energy they need to operate. And so the climate change and extreme weather event cycle goes around again.

Offsets do not save the uniqueness that was. They merely provide some protection to uniqueness elsewhere (which, if it properly qualifies as an off-set, probably should have been protected in its own right anyway). The loss of a swamp is the loss of that swamp. It was an integrated part of the bio-diverse area. As does the swamp goes so does the animal and plant species that relied on it. The area dries out. An area that has previously been resistant to bushfire may now burn.

Our governments have been driven by a perceived need for economic growth and to achieve this they have relied heavily on increased population, largely through immigration. It is only the pandemic this year that has delayed the expected growth in the population of Greater Sydney area. Those people will need food, water and safety. They cannot eat or drink coal.

The current Population Projections show:

- *NSW is expected to grow on average by over 100,000 people each year until 2041*
- *Based on recent trends regional NSW population will increase by 400,000 to 3.5m in 2041*
- *Greater Sydney’s population will grow to approximately 6.6 million in 2036 – about 133,000 more people than estimated in the 2016 projections.*

(Source - <https://www.planning.nsw.gov.au/Research-and-Demography/Population-projections>)

There are a lot of assumptions in the DPIE assessment leading to conclusions of ‘insignificant’ and ‘negligible’ adverse outcomes. These assumptions in part are based on, for example, ‘layers upon layers upon layers of estimation and uncertainty here in terms of the nature and the extent of ... the risks to these swamps.’ (Mike Young, the Executive Director of Mining, Energy and Resource

Assessment for the Department of Planning, Industry and Environment - accessed <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2020/russell-vale-uep/201014-meeting-with-department-transcript.pdf>)

Dr Li, Principal Inspector (subsidence) from the Resources Regulator was heard by the IPC on 13 October (source - <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/transcripts-and-material/2020/russell-vale-uep/201013-meeting-with-resource-regulator-transcript.pdf>)

Among other things Dr Li noted that one area of subsidence of 1.75m 'was substantially higher than Gujarat predicted as subsidence.'

Dr Li went on to clarify that marginally stable pillars meant, in effect pillars vulnerable to triggers.

Such pillars become unstable when affected by certain external factors, for example or such as, substance movement. Even such movements are very low in magnitude.

Dr Li continued:

I just quote their comments about the marginally-stable pillars:

Interaction with the underlying seam is expected to be negligible, but there are areas of Bulli and the Balgownie Seam pillars that may be marginally stable, including one area of Bulli Seam pillars that is considered to be marginally stable. If this areas of pillars are destabilised for any reason, there may be perceptible subsidence –

in the body of the report, that subsidence, perceptible subsidence, is quote as one to two metres. Comma –

but this potential exists irrespective of any proposed mining.

And I will come back to this statement in a moment. I'll continue to read:

The Bulli seam in the general area of the proposed mining was mined at a time when there was no legal requirement to keep "accurate" mine records. A small area of marginally-stable standing pillars in the Bulli Seam is known to exist to the east of Mount Ousley Road. Although this area is shown on the mine plans –

this is important –

there is uncertainty about whether there may be other areas marginally-stable pillars elsewhere across the area given that most of these workings are now inaccessible.

After a discussion of what is known and not known about the interrelationship between the previous mining and the current Application and in response to a proposal that the Application could be approved and further investigations continue, Dr Li responded:

To give you a generic response, you – when you consider not – nearly all –nearly all mining applications I understand were approved grey, nearly all. It's just a matter of how grey is that grey? And usually conditions approval were imposed to managed those greys. So – but in this case, in my view, it's too grey. The key risk factors is not clear. We have no clear understanding without where and how this marginally-stable pillars in the overlaying Bulli workings now where they are. Then it's very, very difficult to understand this: the magnitude of subsidence, the distribution of subsidence, how to manage the subsidence risk.

Conditions of approval can establish a regime of timely compliance with proposed plans, conditions, monitoring and responses to try and ensure safe outcomes. This particular company has demonstrated some non-compliance in the past and has been shut down for safety reasons. It also has financial pressures. Financial pressures can result in delay or the taking of shortcuts risking both the safety of workers and the environment.

The timely acquiring of accurate reporting, attention and action by regulators will be relevant. Australian regulatory agencies have not shown themselves well resourced or vigilant and active in making sure reporting and compliance actually happens usefully. This was evidenced in the report by the Australian National Audit Office in June this year 'Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999 at <https://www.anao.gov.au/work/performance-audit/referrals-assessments-and-approvals-controlled-actions-under-the-epbc-act>

The profits from the allowed activities largely benefit just a few while the losses caused are spread widely and are summarised in the saying 'profits are privatised and losses socialised'. In this case the profits would appear to be mainly to a company with significant debt and whose major shareholder is not an Australian company. Other than some local jobs and, if paid, some money (apparently less than what will need to be paid by the government and local communities into the future) paid to the government. That is if there is any money left available to pay.

How can further mining in the water catchment area be justified ever and especially as provides so little benefit to the future of this state?

Recommendations:

*The IPC should not approve the Application unless **it can be assured there will be no loss or damage** to Sydney's water supply arising from this Application.*

*The IPC should not approve the Application unless it can be assured that damage to the environment such as to swamps, **will not occur** and there will be no need for off-setting including for water.*

The IPC should not approve the Application unless it can be assured that the Applicant has the financial resources to actually achieve compliance in a timely manner and operate safely.

The IPC should not approve the Application unless it can be assured that the Applicant will be able to, and will do to appropriate level, any remedial work, any treatment of water required because of coal mining by it in this area and any rehabilitation of the site, until it is no longer necessary.

The IPC should not approve the Application unless it can be assured that the social and economic benefits said to arise are realistic, will in fact be achieved and will genuinely outweigh the costs of effective regulation and costs the government and community is left with.

In determining whether the Applicant has the financial resources to actually achieve compliance, meet all environmental, rehabilitation costs it should and meet the financial and employment estimates in the cost benefit analysis, the IPC should ensure that those financial resources are not dependent on future approvals and extensions of approvals for mining in this area. That is, NSW health, water security, environment and economy should not in future be held to ransom.

The IPC should not approve the Application unless it can be assured the relevant regulatory agencies have sufficient resources allocated to actively monitor and enforce compliance.

Dust, air, noise, traffic

These are obviously issues of significant concern to those living in the adjoining areas. They matter and the fact that I am not addressing them here, does not mean I consider that they do not need to be taken seriously. I leave these issues to be addressed by those most affected by them on a daily basis.

Recommendations:

The IPC should take the concerns of the local residents affected by the noise, dust, air quality and traffic seriously

Conclusion

Subsidence cannot be undone. Loss of water is just that. Water is essential to life, both for the growing human population and the species (include food sources) we live with. Climate change is real and costing us daily. The Application by Wollongong Coal Limited is not in the public interest.