Thank you for the opportunity to comment on the Dept of Planning’s Final Assessment Report for the Wollongong Coal Ltd Underground Expansion Project.

I strongly **object** to this project because I believe:

* it poses unacceptable risks to the drinking water supply for Sydney, that has implications for the whole catchment including the lllawarra’s drinking water
* it will unnecessarily increase Australia’s greenhouse gas emissions, substantially adding to threats from climate change to the current population & people in the future, at a time when we have such a short window of opportunity to reduce CO2 emissions to avoid catastrophic changes to the climate
* it unacceptably risks the natural environment including Endangered Ecological Communities above and surrounding the mine
* it poses significant adverse impacts on the health and amenity of the people who live in, or visit the suburbs near it
* it increases bushfire risk to the Illawarra escarpment at a time of climate change & frequent severe droughts, this is an unacceptable threat to the people of the Illawarra
* the potential resultant degradation from these risks to the natural environment, water and climate will become the legacy of this time to future generations

Also:-

* WCL’s history of noncompliance to previous license conditions; its disregard for safety and working conditions of its employees; delays and inability to pay its suppliers; its current doubtful financial position indicate it is not fit to operate the Russell Vale mine
* indications that the potential state revenue has been over estimated in the Dept’s assessment
* the conditions the Dept has recommended to safeguard the health & amenity for the community & protect the natural environment are frequently vague hence potentially ineffectual.

**Precautionary Principle:** the NSW Environmental Planning & Assessment (EP&A) Act adopted the same definition of the Precautionary Principle as outlined in the Protection of the Environment Operations (POEO) Act *“ that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”*

In its FAR the Dept of Planning repeatedly uses such terms as “negligible risk”, “not anticipated”, “not expected” and words like “unlikely” “maybe” & “may.” These terms & words indicate the uncertainty of the safety of mining under the Special Areas of the Sydney drinking water catchment. My further research shows that I am not alone in this concern. The Dept’s FAR endeavours to reassure us that it has followed advice from experts but I find there are many people with similar expert qualifications & experience that share my concerns.

The evidence of damage to the Special Areas of the Sydney drinking water catchment gathered since the start of coal mining is substantial & concisely summarised by the scientists in their open letter to the NSW Premier, May 2020 <https://sites.google.com/site/specialareasconcerns/>.

Considered with the evidence outlined by many expert reports over more recent decades, also referred to in the same letter, then huge doubts must be raised about the true extent of damage & subsequent water loss and particularly of ongoing losses as water diversion into mines is inevitably permanent, and the water becomes polluted. What is clear is that there is no current known or emerging technology that can fix this damage.

Dr Ian Wright an environmental scientist who has signed the letter to the Premier, has done extensive work on water quality in rivers surrounding Sydney, particularly the Nepean system & the Blue Mountains testing outflows from coal mines in these areas. I have heard a senior EPA officer say his work is invaluable to the EPA. He has stated that water diversion through mines & its subsequent pollution has become so extensive it is essential to learn how to stop the loss to protect our water supplies & to be able to keep our catchment environments healthy to ensure clean water. The problem becomes exacerbated with maintenance reduction when mines close & under today’s system of rehabilitation obligations, the cost of the research to find a fix & then applying the fix will inevitably fall on the public purse. It is obvious, as stated in the Act, that this is a “... *threat(s) of serious or irreversible environmental damage...” & “...lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.”* While ever there is not a way of repairing the damage from mining in the drinking water catchment that diverts & pollutes water & irreversibly damages & desiccates Upland Swamps, mining approvals in the catchment should be considered unlawful under the EP&A Act precautionary principle, & approval denied.

In relation to the Russell Vale mine, the open letter to the Premier states in its Summary of Concerns p1 *“The extent of bord and pillar mining with pillar extraction in the Special Areas, which can cause the same levels of subsidence as longwall extraction, is poorly documented. The long term, intergenerational, stability of the remaining pillars is not known. Evidently triggered by subsequent mining in an underlying seam, pillar collapse has occurred at what is now the Russell Vale Colliery, and instability prevented the mapping of old extraction areas at this mine. While the area is not one of strong seismic activity, the level of faults within the Woronora fault zone is relatively high between the reservoirs (see Fig. 2).”* Also page 6, dot point 3 “*Pillar collapse, as appears to have occurred[24] at what is now the Russell Vale mine, might also result in seam to surface connected fracturing.”*

Equally the transcript of the meeting on 13 October, between yourselves & the Principle Inspector (Subsidence) from the Resources Regulator raises alarm as to the thoroughness of the Dept’s assessment. He clearly outlines the misinterpretation by the Dept of terminology in reports (ie 'marginally stable pillars'); he also points out that the Dept's assessment substantially underestimates trigger impacts to subsidence & the importance of knowing the condition of the overlying previously mined areas, in the case of WCL’s expansion proposal the pillars of the mined Bulli seam. Without this knowledge it is impossible to make an informed prediction & irresponsible, or otherwise incompetent, for the Dept to state that subsidence is likely to be negligible from bord & pillar mining under the Bulli seam.

The meeting the next day between yourselves & the Dept of Planning representatives where this issue was further discussed confirmed my worst fears about the uncertainty of the modelling that informed the Dept’s decision to approve mining under the area of 'marginally stable pillars' in the Bulli seam. Mr Young said “...with layers upon layers upon layers of estimation and uncertainty here in terms of the nature and the extent of the – the risks to these swamps.” These risks are human induced & principally from coal mining. I feel there was very strong inference from Mr Young’s & Ms Wilson’s later comments, of a dependence on offset as the fall back to any detrimental consequences of their decision making. Offsetting is renowned for its limitations in fact the frequency of its failure in the long term.

Referring further to the concerns raised about the unknown condition of pillars in the Bulli seam, which the Resources Regulator has confirmed in its letter to you, 19 Oct 2020, I am not reassured to note it is nevertheless happy for the issue to be addressed **post** approval. WCL has a history of non compliance to the conditions of past approvals. The RR’s response in this letter has done nothing to alleviate my alarm that the evidence of scientists who signed the letter to the Premier & the RR’s Principle Inspector (Subsidence) have about the number & condition of the remaining pillars in the Bulli seam.

The potential for the Russell Vale UEP to add to the accumulating damage from mining in the catchment & the growing scientific evidence that its cause is coal mining, should have triggered the application of the Precautionary Principle of the EP&A Act, in the Dept of Planning’s assessment of WCL’s expansion project.

**Intra & intergenerational equity** are also in the group of Ecological Sustainable Development principles included in the EP&A Act. Intra refers to equity within the current generation & of intergenerational equity it says “..the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.”

*Water impacts*

Both principles are applicable to the approval assessment of this mine expansion in regards to the potential impacts on quality & quantity of drinking water, available for people now & in the future. *“Losses would continue for many decades after mine closure and, as the IEPMC points out[1], some of these losses may continue in perpetuity”*. Letter to the Premier Summary of Concerns p3, 2nd dot point (see also discussion above).

*Climate Change*

Similarly the intra & intergenerational principles must apply when considering the impacts on climate from this project. In its Summary of Concerns p5, dot point 5, the letter states: *“Water loss becomes increasingly significant during low rainfall periods and such periods are expected to increase as climate change progresses.”*

Should it go 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 203. The Russell Vale project will place the mine in the top 100 largest emitters of Scope 1 emissions nationally.

Recent droughts & last season’s fires are clear indication climate change is impacting “...the health, diversity and productivity of the environment” (EP&A Act) & will continue to do so for future generations. Under the NSW EP&A Act there is a legal requirement therefore to apply the intra & intergenerational principles to the assessment of the Russell Vale UEP.

There are a substantial number of court challenges in NSW to fossil fuel mining projects where the ESD principles have been carefully considered. Corrs Chambers & Westgarth describe a number of these in “The principles of ecologically sustainable development in Australia and internationally” June 2020, pages 3-5 (<https://corrs.com.au/insights/the-principles-of-ecologically-sustainable-development-in-australia-and-internationally>)

As the IPC decision is the final word on the worthiness of a project like this one, it must be absolutely sure that the Dept’s assessment has followed the law.

**Public interest** is embedded within the ESD principles of the EP&A Act requiring *the promotion of social & economic welfare of the community & a better environment.*

WCL has a history of bad dealings in the Illawarra that clearly shows disregard for the local community. Non compliance of its previous approval conditions has had long & agonising impacts on the surrounding residents of Russell Vale. These include - realignment of Bellambi Gully Creek that was to be completed 8 years ago but has not been done, this has flooding implications for nearby properties; WCL was approved to stockpile 80,000 tonnes of coal but actually stockpiled 407,000 tonnes on site, causing great local concern as to the stability of the stock pile which is uphill of properties; WCL has an agreement with Wollongong City Council to dedicate four lots of land and pay a security deposit, this is outstanding since 1989; a 2014 Council audit of the Emplacement Area found almost half of the 54 conditions were not being met. Residents also say a commitment to developing proper truck loading facilities to reduce dust and noise is still outstanding, WCL is still loading off the stock-pile with tractors; promises to sweep Bellambi Lane and to build sound walls have not been kept.

Serious safety concerns placed WCL’s other mine in the Illawarra, Wongawilli, in official care & maintenance some 2 years ago, all but a few maintenance staff lost their jobs.

WCL has very recently made a third attempt to change its work place agreement which does not bode well for workers’ conditions <https://www.illawarramercury.com.au/story/6955972/wollongong-coals-third-attempt-to-scrap-russell-vale-mine-agreement/?cs=12&utm_source=website&utm_medium=index&utm_campaign=sidebar>

WCL is in a precarious financial position, its 2020 audit showed its liabilities exceeded assets by $1,089,243,000. In August 2020 it was delisted from the Australian Stock Exchange. It was first suspended from trade on the Australian Stock Exchange in 2017 when it failed to lodge its half-yearly report. At this time it made public statements that it could not pay its creditors. It has not paid corporate tax since taking over Russell Vale mine in 2013

Based on the information above I believe WCL truly has little community confidence it is not within the public interest as defined by the EP&A Act for the WCL UEP to be approved.

**Other matters within the Dept Planning FAR:**

*Mitigation of GHG* – the WCL UEP operational emissions will place it in the top 100 Scope 1 emitters in Australia. Yet the conditions recommended by the FAR to reduce the projects emissions are so vague they will not encourage any effort to reduce them. A local Stocklands’ shopping centre is famous for installing solar to supply its energy; the super markets are doing it. The rest of us install solar systems &/or buy Green Power to reduce our environmental footprint & if we built a new house we have no choice but to follow government regulations to reduce our emissions. The FAR’s conditions are an insult to us all. There should be targets set in the conditions & WCL must have the means to attain them before project starts.

*Water Licences* – WCL’s UEP cannot reasonably be approved if there are doubts about it being able to obtain licenses in the regular manner. It is essential the licences are obtained before approval. It is a large project requiring a huge amount of water from the drinking water catchment of the largest city in the country at a time like no other when rainfall is unpredictable. Adding insult to injury, the water supply is ironically under threat from coal mining, the very industry the proponent belongs to, and threatens the water holding capacity of the catchment. The suggested special dispensations offering alternative ways to access water post approval is an insult to all of us who must abide by regulations governing access to water.

**Increased fire frequency & intensity–** mining damage that drains Upland Swamps causing them to dry out & vastly increases the risk of fire not only from the desiccation of vegetation but because dried peat is highly flammable. There is no condition of approval that can abate this risk, as where there is mining under or near Upland Swamps they are threatened with damage. This increased fire risk impacts anyone who lives in Wollongong or the surrounds of the Metropolitan Special Areas where the WCL UEP is proposed.

**Benefit or detriment:**

* The WCL UEP has been estimated to generate 205 short term jobs + 22 very short term jobs. This number of jobs has been measured as well under 1% of the workforce of Wollongong
* All the coal will be exported so there is no local or national value added benefit. This coal will be a very small % of Australia’s total coal export.
* Dept’s estimate of $38.5 million in corporate tax is questionable when WCL has paid none since taking over the Russell Vale mine in 2013
* The Cost Benefit Analysis in the FAR does not include the cost of offsetting emissions from Russell Vale. In September 2020, the Clean Energy Regulator paid an average of  $15.74 per tonne of abatement to buy emissions reduction as part of their 11th Emissions Reduction Fund auction. Using this price as a guide, it would cost about $24M to abate the 1,523,000 t CO2-e of Scope 1 and 2 emissions that this project will generate in NSW over 5 years. WCL pays no company tax, so are unlikely to contribute nothing towards the cost of Australia’s GHG abatement.
* The coal mined from WCL’s UEP will supply WCL’s parent company Jindal Steel, it is reasonable to expect the sale price will be deflated between the two which would reduce the cost of royalties to the state.
* WCL is currently over $1 billion in debt, it has a history of non compliance to approval conditions it is therefore reasonable to expect it will be unable to meet its rehabilitation commitments.

Plentiful good quality water in the Sydney drinking water catchment is priceless. As is the unique natural environment of the area & the services it can offer our wellbeing if it is left intact.

The listed benefits of the WCL UEP cannot possibly outweigh any damage to the catchment or water lost by diversion or pollution.

The uncertainty is far too high for this project to be approved.

Yours sincerely, Annie Marlow, Berkeley NSW