

**From:** [REDACTED]  
**To:** [PAC Enquiries Mailbox](#)  
**Subject:** R037/15 - Russell Vale Colliery UEP, 2nd Review Submission  
**Date:** Friday, 4 December 2015 10:58:09 AM

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Caroline Graham, Rivers SOS spokesperson, would like to address the following issues:

- The importance of protecting Greater Sydney's drinking water supply from damage through mine expansions is a major priority of Rivers SOS. The need to save Sydney's water was obvious in the last drought when water restrictions applied and dam levels were dangerously low. The building of the Sydney Desalination Plant has proved to be a costly if necessary exercise. Alongside this we must aim to stop the degradation of our catchment by foreign owned mining companies. We should depend as little as possible on desalinated water while we can. Water rates in Adelaide rose by 400% when the SA Desalination Plant was launched in 2008. Yet we continue to allow mine expansions which cause loss of water and loss of water quality. There has been insufficient monitoring of water loss from the storage dams due to mining but inflow into mines in two major instances suggests that loss of water from the supply system is significant.
- Since PAC was established in 2008 Rivers SOS has complained about PAC panels not being independent from the industry, with a preponderance of mining consultants and/or other associates on the panels. It did not surprise us when a study, reported in the SMH (25.2.14), found that PAC has approved of 222 of the 234 proposals which came before it from April 2011 to February 2014. We in Rivers SOS have presented a list of truly independent experts who would be willing to be appointed to PAC panels, such as academics and retired mining experts, but to no avail, although Minister Rob Stokes has now asked us for this list when we raised the issue with him. We also fear that the Department of Planning has too much control and that it favours the mining industry to the exclusion of proper environmental and community concerns. Of the 222 projects approved by PAC in the above study, all were recommended for PAC's approval by DoPE and we fear that this pattern will apply to Russell Vale. Only 4% of projects recommended by DoPE were rejected by PAC and we know that this does not signal a healthy or even viable situation. The veteran town planner and lawyer John Mant commented that since members of the PAC are appointed by the government they "serve at the mercy of their political masters." (SMH, 26.2.14). Lock the Gate presented some of these complaints to the Ombudsman two years ago, with no result, but in June 2015 the EDO has lodged an official complaint about two members often appointed to PAC panels on mining, citing their conflicts of interests due to their connections with the industry. We hope that this will be properly addressed by the Ombudsman in the near future.
- Rivers SOS, as a support group of Protect Sydney's Water, researched the composition of the IRAP set up to consider risks by Wollongong Coal, in consultation with DoPE. As a result of our findings we have composed a letter to DoPE, sent on 16 November 2015 but so far unanswered, under the banner of Protect Sydney's Water, addressing the following concerns:

IRAP's appointees cannot be classed as "independent:" most if not all have close links and are financially dependent on the mining industry. Their appointment overrode explicit recommendations from the previous PAC panel as to the personnel to be appointed. Therefore relevant agencies such as WaterNSW, Dam Safety and DRE were excluded. DoPE recommended that the mine be approved in a letter of 10.11.15. This letter mentions the change in IRAP personnel, saying that "the Department and other agencies" agreed that no agencies should be on the IRAP but instead the panel should consist of "an independent chair and independent specialists." No reason was given for this departure and the panellists, as I have said, all are linked to the industry and cannot be classed as independent. See Appendix A for a copy of the letter which was sent to DoPE regarding IRAP.

- Other concerns include the need to apply the “fit and proper person” amendment to the Mining Act [REDACTED] company, Jindal Power and Steel, the owner of Wollongong Coal.

[REDACTED]  
[REDACTED] The financial and technical problems facing Wollongong Coal will be addressed by others in this hearing, but I will add that these problems are extremely serious.

- The risk to human life if this project expands are clear: there may be an unstoppable and escalating flood of water from the Cataract storage reservoir due to connectivity between the mine and the stored waters, which may be enhanced by the application of multi-seam mining beside the reservoir. If this occurs, since the pit top/mine opening is in a densely populated suburb and is below the water level of the reservoir, a dangerous and sudden flood event is an obvious risk. There is an added risk from the emplacement of approximately 20 tonnes of mine waste, which towers over the suburb and may collapse and submerge housing if eroded in a major downfall. We are told that this emplacement has not been properly approved.
- The risk to human health from mine dust is a further problem. This threatens both residents near the colliery as well as the 300 miners. I lived for decades near the former Tower Colliery and our washing was often black with coal dust and half the kids in my street had asthma. I’ve been diagnosed with emphysema. Worse, I saw my neighbour [REDACTED], a former miner at the Tower Colliery, die a slow and terrible death from “black lung.” The CFMEU newsletter this month reported three cases of black lung in Queensland “in what could be the tip of the iceberg for a disease that had been wiped out in Australia ... “ (1.12.2015). The mining union believes that health standards and regulation, including regular X-rays, have deteriorated. A union spokesperson says that Australian health and regulatory frameworks are no longer equipped to deal with the disease. Appropriate medical specialists do not exist in sufficient numbers to monitor adequately. The Queensland government has promised a review but what of NSW ? Whatever the supposed safeguards, it would be better for these miners to be retrained in servicing renewables industries, where there are already more employed than in mining.
- Environmental concerns include the desiccation of the valuable upland swamps, the ongoing threat to threatened species both flora and fauna, the undermining of creeks and all other subsidence impacts.
- There is also the added risk of earthquakes, now known beyond any doubt to be caused by both mining operations and by the building of reservoirs. This concern has been dismissed by the IRAP and others, yet there is ample and growing evidence and research into this issue which should ring warning bells in this instance.
- Finally, the insane fact that we as a society are prepared to gamble with our water supply system for Australia’s major city - 60% of the population of NSW - is evidence of agencies and panels being corrupted or at least biased by the wealth and power of the industry. The Chief Scientist has reported that we are the only country in the world allowing mining in a publicly owned drinking water catchment. Rivers SOS has hosted four delegations of Chinese water managers and scientists from different provinces, and when we show them the evidence of cracked and polluted rivers and dried swamps and streams in the Special Areas, they are shocked. They showed us the English translation of their own environmental laws, which forbid any developments in their drinking water catchments. They asked us “don’t you have the vote” and we answer that since public access to the Special Areas is forbidden, it is hard for us to raise awareness. However since I moved to the Manly area last year I have been able to show my powerpoint display to four local groups and they are as shocked as the Chinese. Others are doing even more, such as the Pittwater Knitting Nannas, and are increasingly active. Change is now on the horizon as layers of ignorance and bias continue to be challenged, by our activists as well as by increasing numbers of reporters and media commentators who are beginning to understand the enormity of what’s been happening on our watch..

Caroline Graham, Rivers SOS

**Appendix A: Letter re IRAP from the Protect Sydney's Water Alliance, sent to DoPE on 16.11.15**

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Dear Ms McNally,

The Protect Sydney's Water Alliance is concerned that the recent IRAP (Integrated Risk Assessment Panel) report concludes risks from the Russell Vale Colliery expansion project will be "minimal". This is in direct contradiction to risks outlined by other agencies and experts including the [Independent Expert Scientific Committee \(IESC\) report](#) from February this year.

[OEH itself has also said](#) the UEP Integrated Risk Assessment "does not adequately address OEH's previous concerns and OEH believes that many of our earlier comments are still relevant." OEH also quotes how the report ignores the advice and recommendations of the Australian Government's IESC Committee on Coal Seam Gas and Large Coal Mines (IESC 2014, 2015) and its specific recommendations about risk to coastal upland swamps, surface water, groundwater and threatened species in relation to the Russell Vale Expansion proposal.

It is reported that your department has used this IRAP report to recommend the approval of the Russell Vale expansion. Wollongong Coal has described the upcoming second PAC as "merit based" and is [quoted saying that](#) "DoPE's recommendation adds further weight to the now significant body of scientific evidence that says that says the project poses no threat to Sydney's drinking water or water supply".

Protect Sydney's Water Alliance committee challenges the department's recommendation, not only because it overrules the advice provided by experts and agencies, but also due to the panellists comprising the IRAP panel.

On 2 April 2015 the PAC panel recommended that, due to the number of risks identified in the UEP plan, that an IRAP should be established by the proponent. The PAC then recommended:

- That the panel include **an independent chair, and representatives from WaterNSW, the Dam Safety Committee, DRE and the proponent.**
- That the proponent oversee an integrated risk assessment to address issues "raised by the relevant agencies and experts"
- That the risk assessment be completed before the application is determined

The IRAP established by the Dept of Planning (DoPE) appointed very different personnel to the IRAP. Protect Sydney's Water research shows that:

1. The IRAP chair, Professor Ismet Canbulat, is also the chair of the School of Mining Engineering, University of NSW. This school is **an associate member of the Minerals**

**Council of NSW**, the state's lobby group for the mining industry. The school also solicits mining industry funding and sponsorship of scholarships. This Chair cannot be regarded as independent from the mining industry.

2. Panellist **Arthur Waddington (subsidence advice) is Managing Director of Mine Subsidence Engineering Consultants (MSEC)**. For decades MSEC (formerly known as Waddington and Associates) has provided reports for companies that mine in the Southern Coalfield. MSEC has a reputation for finding all risks as minimal or negligible.
3. Panellist **Andrea Madden, a hydrogeologist at Parsons Brinkerhoff**, a multinational mining consultancy. Australian clients include BHP Billiton, Rio Tinto, Iluka, Bengalla and Xstrata.
4. Panellist **Steve Perrens (surface water) from Advisian**, another multinational mining consultant that promises on their web site to help clients "gain project approval in the least time." Advisian's Australian clients include BHP Billiton, Rio Tinto, Hancock Prospecting, Aurizon and Fortescue.
5. Panellist **David Robertson** from Cumberland Ecology, who recently resigned from his professional association, the Ecological Society of Australia, after being reprimanded for his stance on offsets at the Maules Creek mine. This was not the first time Cumberland Ecology's offset work [has been criticised](#) in the past few years.

These panellists were approved for the IRAP by Howard Reed from DoPE in a letter of 15 June 2015.

6. "Independent Facilitator" of the Integrated Risk Assessment was **Broadleaf Capital International**, appointed by Wollongong Coal. **Broadleaf Capital** has extensive contracts for mining companies including Illawarra Coal. It prides itself on setting a risk-based limit of liability in a contract. On its web site it offers to "help clients deal with uncertainty".

Protect Sydney's Water Alliance would like to understand why the PAC's specific recommendation of panel members was ignored by the Department of Planning and why **representatives from WaterNSW, Dam Safety Committee and the DRE were not appointed**.

PSWA would like to know why instead representatives from consultancies that are financially dependent on the mining industry were appointed, presumably at considerable expense.

We would like to understand the processes in DoPE which have undermined independence in the IRAP in this instance.

Protect Sydney's Water Alliance is very concerned at the risks to Sydney's natural water supply and current damage from the expansion of coal mining in the Special Areas. Sydney is fortunate to have this natural supply but Sydney, as noted in the NSW Chief Scientist's report, is the only city in the world to allow mining in publicly owned water catchments.