

**PLANNING ASSESMENT COMMISSION**

**RUSSELL VALE UNDERGROUND EXPANSION, WOLLONGONG LGA**

Commissioners,

I submit that this application be refused.

There are multiple grounds for refusal. I wish to refer only to the risks to the Cataract water catchment and the upland swamps in that area.

**IMPACTS ON SWAMPS**

The Department of Planning and Environment Addendum Report of November 2015, Section 3.4.3, Swamp Avoidance states, "(the Department) also accepts that some impacts on swamps are an unavoidable consequence of longwall mining, and that these impacts should be carefully weighed against the social and economic benefits of the project, and offset if they are greater than negligible. "

Given that the economic benefits of this project are negligible, any impacts on the swamps would be greater.

In Section 3.4.5, Draft Swamp Offset Policy, Paragraph 5, we read "Wollongong Coal should be held strictly liable for causing not greater than negligible environmental consequences to these swamps " So in the Department's view, Wollongong Coal is responsible for damage that is less than can be measured.

However, in Paragraph 8 we read " Due to uncertainties in predicting impacts on swamps .... the Department considers it would be unreasonable to hold Wollongong Coal strictly liable if greater than negligible consequences result".

So Wollongong Coal is off the hook for damaging resources that are not only vital to communities dependent upon them for their water, but are irreplaceable.

**OFFSETS**

In Paragraph 13 of Section 3.4.5 we read "Water New South Wales requested that any offsets required for impacts to upland swamps are located within the local catchment where the swamps are located. Wollongong Coal has committed to ensuring land-based offsets are located within the local catchment, where possible. The Department accepts that this may not be possible, and notes that the draft Swamp Offset Policy does not place any such restriction on the provision of offsets." Indeed this requirement is absolutely impossible , so Wollongong Coal is off the hook again.

One has to ask if any of the so called strict conditions that are applied to mining projects such as this, or indeed anywhere in Australia are enforceable. It appears not.

**FOR THESE REASONS ALONE,**  
This Project must be refused.

DEREK FINTER, [REDACTED]

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