



Additional submission – Russell Vale Underground Expansion Project, MP09_0013

Thank you for the opportunity to submit the following input on the additional information that the IPC has placed on its website. Before we do so, we would like to express our concern and alarm at the handling of this additional information by the Commission. The Commission has the contact details (names and emails) of hundreds of interested individuals and organisations who have previously made their interest known by making a submission on this project or speaking at the public hearing. However, the Commission chose to *not* notify these individuals and organisations that additional information had been provided by key agencies and that submissions were once again being accepted on the relevant areas. Members and supporters of Protect Our Water Alliance (POWA) only found out very recently by notification from someone who happened to take a look at the IPC website that new information was provided and submissions were open again.

POWA has engaged in the IPC process in good faith, volunteering countless hours to further our aim of a more sustainable future and protection of our water catchment, for the benefit of residents of Greater Sydney and of future generations. The additional information that has been published on the website should have been provided by DPIE and made available at the *beginning* of the IPC decision making process, not at the *very end*. The duplicitous handling of additional information by the Commission, publishing it on the website with no notification to interested parties of its existence and of the opportunity for further submission, is alarming. It also diminishes our faith in the integrity of the entire IPC decision making process.

Rehabilitation bond is inadequate

The \$12.5 million dollar security bond is inadequate. The additional information from the Resources Regulator says it covers existing remediation needs but this is erroneous and misleading. It will not cover the management and treatment of the legacy water discharge, whether or not this project goes ahead. Wollongong Coal, being the entity that has had responsibility for this mine for over 15 years (it has the same ABN as Gujarat NRE), is responsible for the cost of managing and treating the adit discharge in perpetuity. The true cost of remediation will fall upon NSW taxpayers if the IPC does not make a stand on this issue. We call on the Panel to reject this proposal. However, if it is approved, the full cost of remediation – including water management and treatment in perpetuity - should be due prior to any extraction.

The instability of the site and the unknowable, but inevitable, risk of pillar failure

The DPIE's premise of the proposal being "non-caving" is misleading. The Independent Advisory Panel for Underground Mining (IAPUM) Advice confirms that ***all pillars will eventually fail***. The IAPUM report highlights the instability of this area. This instability results in public risk – to the catchment, the Cataract Reservoir, built infrastructure such as Mount Ousley Road and even – as

Gang Li alluded to in the meeting between the Resources Regulator and the Panel – to the Illawarra escarpment cliff line itself. Greater Sydney water catchment is not the place for a risky experiment in three tier mining.

The IAPUM Advice confirms that the extent of past and potential future pillar collapse in the Bulli seam are largely unknowable. It is very concerning that the public has been asked to comment on a project, the impacts of which are largely in the dark. It is not appropriate to relegate approval of this risky mining to the Extraction Plan/Subsidence Management Plan (SMP) phase. Longwall 4 was approved by SMP under Part 3a transitional legislation. Monitoring for surface impacts did not commence until *after* the mining was completed. The mining caused surface cracking and damage to Mount Ousley Road. The prediction for Longwall 4 subsidence was 30cm, but the actual subsidence was 1.78mⁱ and the land is still moving/unstable in that area. The fact that subsidence was **8 times higher than predicted** demonstrates, firstly, the inherent risk in this 3 tier mining environment and, secondly, that the SMP/Extraction Plan approval process failed to bring sufficient rigour to the assessment.

This is an unacceptable situation given the strategic importance of the site as a water catchment. Given that the impacts are so serious – and potentially catastrophic – and the state of the overlying goaves is unknowable, the project should be rejected.

Very limited economic benefits further reduced

The reverting of the Bellpac shares to Wollongong Coal Ltd – acknowledged by DPIE in the additional information – further erodes the already modest economic benefits of the project. DPIE states that shareholdings are dynamic and have potential to increase or decrease at any point. However, the information about the Bellpac share agreement has been in the public domain for a considerable length of time; DPIE's failure to know of this impending change in local share holdings - representing 26.39% of the top 20 shareholder volume - demonstrates a dearth of understanding about the project which, in the state's chief planning entity, is concerning.

DPIE continues to express support for the project, despite this reduction in net producer surplus and the expectation that the company income tax paid will be \$0.

The Department is in a difficult position. The purported economic benefits of the project have been largely eroded by new information. Furthermore, the subsidence estimates have increased substantially and NSW government's own subsidence experts have expressed grave concerns, stating that the state of pillars in the Bulli seam, and therefore the subsidence potential, is unknowable. The Department however could not withdraw its previously bestowed support for the project in light of this new information. It is up to the IPC Panel to do so. We ask you to reject this project and find it unapprovable.

ⁱ IPC Panel meeting with Resources Regulator, 13.10.20, p. 5, accessed at: <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>