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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-1288205

**INDEPENDENT PLANNING COMMISSION**

**PUBLIC HEARING**

**RE: RUSSELL VALE UNDERGROUND EXPANSION PROJECT**

**PANEL:**                                   **PROFESSOR ALICE CLARKE (CHAIR)**  
**PROFESSOR CHRIS FELL AM**  
**DR PETER WILLIAMS**

**ASSISTING PANEL:**                   **JANET McKELVEY**

**LOCATION:**                               **E-PUBLIC HEARING**

**DATE:**                                   **MONDAY, 19 OCTOBER 2020**

PROF CLARK: Good morning and welcome to the Independent Planning Commission's electronic public hearing on State significant development application for the Russell Vale Revised Underground Expansion Project. I am Professor Alice Clark and the chair of this IPC panel. Joining me are my fellow commissioners, Dr  
5 Peter Williams and Professor Chris Fell. Counsel assisting the Commission for this public hearing is Janette McKelvey. Before we begin, I would like to acknowledge the traditional custodians of the lands on which we meet and pay my respects to elders past, present and emerging.

10 Wollongong Coal Limited owns and operates the Russell Vale colliery located eight kilometres north of Wollongong in the Illawarra region. Wollongong Coal, the applicant, is seeking planning approval for the Russell Vale Underground Expansion Project, which involves the bord-and-pillar mining. Under its proposal up to 3.7  
15 million tonnes of run-of-mine coal would be extracted over five years at a production rate that would not exceed one million tonnes of product coal per year.

Commissioners make an annual declaration of interest, identifying potential conflicts with their appointed role. For the record, no conflicts of interest have been identified in relation to our determination of this development application. You can find  
20 additional information on the way we manage potential conflicts on our website.

In line with regulations introduced in response to ongoing COVID-19 pandemic, the Commission has moved this public hearing online with registered speakers provided the opportunity to present to the panel via telephone or video conference. In the  
25 interests of openness and transparency we are streaming this public hearing live on our website. As always, a full transcript of these proceedings will also be made available on our website in the next few days.

The Commission was established by the New South Wales Government on the 1<sup>st</sup> of  
30 March 2018 as a standalone statutory body operating independently of the Department of Planning, Industry and Environment and other agencies. This Commission plays an important role in strengthening transparency and independence in the decision-making process for major development and land use planning in New South Wales.

35 The key functions of the Commission include determining State significant development applications, conducting public hearings for development applications and other matters, and providing independent expert advice on any other planning and development matter when requested by the Minister for Planning, or the  
40 planning secretary.

The Commission is the consent authority for State significant development applications in circumstances where there are 50 or more unique public objections, the applicant has made reportable political donations and/or the local council has  
45 objected to the application. It is important to note that the Commission is not

involved in the department's assessment of SSD applications, nor in the preparation of its assessment reports.

5 This public hearing forms one part of the Commission's process. We have also met with the department, the applicant, Wollongong City Council, Wollondilly Shire Council and the Resource Regulator. Transcripts of all these meetings will be published on our website. After the public hearing, we may convene with relevant stakeholders if clarification or additional information is required on matters raised.

10 Following the public hearing, we will endeavour to determine the development application as soon as possible, noting that there may be a delay if we find that additional information is needed. Written submissions on this matter will be accepted by the Commission up to 5 pm on Tuesday the 27<sup>th</sup> of October 2020, and you can make a submission having – using the have your say portal on our website or  
15 by email or post.

We invite interested parties, individuals and groups to make any submission they consider appropriate during this hearing; however, the Commission is particularly  
20 assisted by submissions that are responsive to the Department of Planning, Industry and Environment's assessment report and recommended conditions of consent. All submissions made to the department during exhibition of the environmental impact statement have been made available to the Commission. As such, today's speakers are encouraged to avoid repeating or restating submissions they have previously  
25 made on this application.

The Commission must emphasise that there are certain matters that by law it is not permitted to take into account when making its determination, and therefore  
30 submissions on such matters cannot be considered. These factors include the reputation of the applicant and any past planning law breaches by the applicant. Before we get underway, I would like to outline how today's public hearing will run.

We will first hear from the Department of Planning, Industry and Environment on the findings of its whole of government assessment of the application currently  
35 before the Commission. We will hear from the applicant second. We will then proceed to hear from our registered speakers. While we endeavour to stick to our published schedule, this will be dependent on registered speakers being ready to present at their allocated time.

Counsel assisting, Janet McKelvey, will introduce each speaker when it's their turn  
40 to present to the panel. Everyone has been advised in advance how long they have to speak. A bell will sound when a speaker has one minute remaining. A second bell will sound when a speaker's time has expired. To ensure everyone receives their fair share of time, I will enforce timekeeping rules. I do reserve the right to allow additional time as required to hear new information.  
45

If you have a copy of your speaking notes or any additional material to support your presentation, it would be appreciated if you would provide a copy to the

Commission. Please note any information given to us may be made public. The Commission's privacy statement governs our appropriate to managing your information. Our privacy statement is available on our website. Thank you. It is now time to call our first speaker.

5

MS McKELVEY: First up this morning we have Stephen O'Donoghue and Mike Young from the Department of Planning, Infrastructure and Environment.

10 MR O'DONOGHUE: Thanks, Janet. I provided a PowerPoint demonstration earlier. Can I share that with – myself or - - -

MS McKELVEY: We've got that up on the screen.

15 MR O'DONOGHUE: You have. Okay. No. Very good. Okay, look, first I'll just introduce myself, Steve O'Donoghue, director of resource assessments. I work within the planning and assessment group within the Department of Planning, Industry and Environment. As you mentioned, Mike Young, the executive director of resource assessment and compliance is – will also be contributing during the presentation and, probably, more particularly during the q and a after the, sort of,  
20 formal presentation component.

The planning and assessment group, the resource assessments part of that undertook a merit assessment of Russell Vale Underground Expansion Project, the proponent being Wollongong Coal Limited, previously Gujarat, with the main control interest in that from Jindal Steel for supply of coking coal for steel making operations in  
25 India.

I'll just move onto slide 2, the assessment process. So, I guess, firstly, I'd just like to say the department is not the proponent of – for the project. We facilitate and  
30 manage the development application process and we undertake a comprehensive assessment of State significant developments, including SSD and State significant infrastructure project under the Environmental Planning and Assessment Act.

I guess our role is to provide the assessment report and recommendations to the consent authority. We're also responsible for post approval function if the project is  
35 approved and proceeds, including compliance and review and approval of any management plans or strategies involved with any consents or any conditions. I guess our role is to facilitate all the government assessment, including New South Wales Government agencies, liaise with the Commonwealth where they're involved and facilitate expert advice and comments from the New South Wales authorities.  
40

The – I guess the role in this case of the Independent Planning Commission was just flagged earlier by the chair. Given that there was more than 50 objections through the process, the Independent Planning Commission is the consent authority for the  
45 project. The Minister requested that a public hearing be held prior to the determination, and the role is to determine the development application.

I guess the key point here in the bar at the bottom is just, really, this is fairly unique in the time that this has been in the assessment process. It's been a long and exhaustive lengthy process that kicked off in 2009 when Director-General's requirements were first issued for the project. The – there's been extensive changes to the project over this time through concerns raised by agencies, the Planning Assessment Commission and the Independent Expert Scientific Committee for the – at the Commonwealth level.

It was originally exhibited in 2013. At that stage the project included 18 longwall panels across two domains, Wonga East and West, and it was looking to mine 31 million tonnes of coal over 18 years, including mining under the Cataract Dam. I guess because of concerns raised in the – a preferred project report was submitted in September 2013 with – which reduced to eight longwall panels, 4.7 million tonnes of coal over five years, so quite a substantial reduction.

So, I guess, following that the department undertook a preliminary assessment and provided its report to the then Planning Assessment Commission, where there was two reviews undertaken in 2015 at that time, and then a second review findings report in 2016. As a result of that and of the concerns raised, there was period of time when the proponent went away to further consider the project and the issues raised by the authorities and the Commission, and they lodged the preferred – a revised preferred project report last year – at the end of last year.

That was exhibited in 2019 with further assessment undertaken through this year, and the department completed its final assessment report in 2020, just recently. So we're at the – I guess the final step in that lengthy process, which is the, you know, final public hearing and determination. Just next the slide, thanks.

Okay. Just broadly in the process, as well, I guess the development application process is just one part of it. The – any consent issued under the EP&A Act. I guess other statutory components include the Commonwealth under the Environmental Protection and Biodiversity Conservation Act. In this case the proponent withdrew its application and resubmitted it – resubmitted a new application for the revised preferred project report.

The Commonwealth determined that it was controlled action for it – for potential impacts on threatened species and a water resource. In this instance, because of the timing it's not been done under the bilateral. A separate assessment approval is required from the – for the Minister for the Environment. I understand this is being undertaken through a public environment report approach is the proposed method for assessing that.

Probably another point to make here is that the project was originally a part 3A project. It was transitioned from part 3A to a State significant development application on the 26<sup>th</sup> of June 2020, and the applications will be completed under part 4 of the Environmental Planning and Assessment Act.

There's a number of other approvals that would be required if the project were approved and proceed. This includes a mining lease under the Mining Act, and an environmental protection licence is regulated by the Environmental Protection Authority under the Protection of Environment Operations Act. Various water  
5 licence required under the water management act for the take of water, in particular, and road permits required under the Roads Act from Transport for New South Wales and councils as part of the project. So there's quite a lot of regulatory requirements apart from the development consent – any development consent required. Next slide, thanks.

10

Okay. Just, I guess, strategic context of the project. It's located in the southern coalfields of New South Wales. It's known for high quality coking and metallurgical coal predominantly used for steel making down in Port Kembla Steel Mills, but also for export markets from Port Kembla from the Port Kembla Coal Terminal. In this  
15 instance, the proponent would be looking to export the coal to Indian steel mills in – over in India.

Just for – in context, as well, there's seven current mining operations in the area, in the southern coalfields. There's four operating and three in care and maintenance.  
20 There's the Metropolitan and Dendrobium Mines which are within the Sydney drinking water catchment. There's the Russell Vale and Wongawilli Mines which are also within the drinking catchment, but are currently in care and maintenance, and three other operations further to the west and southwest of the Russell Vale Mine, including Bulli Seam, which includes Appin West, Westcliff and also there's  
25 the Tahmoor Mine, with Tahmoor South also a proposed mine and also there's the Berrima Mine in care and maintenance in the southern coalfields in Hume also under assessment by the department.

So the proponent is operating the existing Russell Vale Mine under a 2011 consent preliminary works project approval, which has been modified on three occasions,  
30 which includes first workings in the Wongawilli Seam, and also included longwall mining in three panels. There's a long history of mining in the area since the 1890s. It was previously known as the South Bulli Mine, there's also the adjoining Corrimal Mine and a lot of the mining targeted the Bulli Seam through pillar extraction, and  
35 most of the access was through adits off the Wollongong escarpment.

So the mines been in care and maintenance since 2015. I guess the key – the other key aspect to the mine is that the pit top area located between the suburbs of Russell Vale and Corrimal. So that is – that's a key constraint for the area where there's  
40 been residential, I guess, developments around the mine site, and there's – it's quite in close proximity to suburban areas, which is a, you know, key constraint for the project. I might move onto the next slide, thanks.

Okay. So key aspects of the project that's currently under assessment. The project  
45 life's five years, the mining method – I guess the key change to the project is the move away from longwall mining completely to a non-caving bord-and-pillar mining

approach, which – where subsidence impacts are significantly reduced compared to the proposed longwall mining that formed part of the previous application.

5 We're looking at a fairly modest coal extraction over the five years, 3.7 million tonnes extracted up to a peak rate of 1.2 million tonnes and one million tonnes of – maximum of one million tonnes of product coal to be loaded out. With the surface facilities, there's some revised – there's a revised layout to the project. There's a new coal handling and prep plant, which is fully enclosed, enclosed conveyors, new truck loading facility, parking area and a range of additional noise bunds and barriers  
10 that'd be incorporated into the project design to minimise impacts on residential receivers in the area.

The product transport. It is still proposed that the coal is trucked from the site via land to land to the Port Kembla Coal Terminal. I guess the key change to the project  
15 is really to restrict surface facilities operating hours. While underground mining would still continue for 24/7, and there would be some surface infrastructure operating during the night time period to support underground mining.

Most of the surface facilities and product transport would be limited just to the  
20 daytime period, Monday to Friday with no operations on Saturdays or Sundays and public holidays, and limited operations on Saturdays. So that's the key change from prior approval. Employment wise, the – be looking at approximately 205 employees during operations, and 22 during construction with the capital investment value of 35.5 million. Next slide, thanks.

25 Here's just an overview of the proposed bord-and-pillar first workings where there's a series of panels – bord-and-pillar panels constructed with approximately 30 metre pillars between the gateway developments and the roadways. Another feature, I guess, being incorporated into the mine is the – there's the orange – there's the main  
30 pillars heading out towards to the north-west. This is the mains development that already forms part of the approved project, and that's – that'll be within the mining period of the five years for the proposed project, as well. Next slide, thanks.

35 Again, surface infrastructure. I won't go too much on this, but I guess this is – part of this shows the proximity to residential development. There's a – the bund – the development of the bunds and container walls, which I'll just touch on later, and also some of the new infrastructure. A key component that's also being constructed for this is a fairly significant stormwater detention ponds to address flooding risk, which are being constructed as part of the existing approval, but – and I'll go further into  
40 that in the – talk a little bit later. Okay. Next slide, thanks.

Just from an engagement point of view was the report and exhibition through August  
45 2019. There was 202 community interest group submissions. Mainly by way of objections, 61 per cent by objection and 39 per cent supporting the project. There was advice from 11 government agencies, including submissions from Wollongong City and Wollondilly Shire Councils, which the chair mentioned earlier that had briefings with. Importantly, none of the agencies or councils object to the

development, although there was lots of advice and comments on the project which were carefully considered by the department and incorporated into, you know, recommended conditions of consent. Next slide, thanks.

5 I guess the key issues raised – followed four – from an objective point of view followed four key themes, really. One was the subsidence and consequent effect – subsidence impacts and consequent effects and impacts on built and natural features and, particularly, on coastal upland, swamps and some built infrastructure, such as your Mount Ousley Road and the transmission lines.

10 I guess one of the issues for the department and, also, the expert advice was the complication of the – of mining in a multi-seam mining environment where you’ve got the Wongawilli Seam proposed to be mined as part of this, but you’ve got the Bulli Seam and Balgownie Seams overlying the seam, so making subsidence  
15 predictions impacts a bit more difficult in terms of the risks and likelihood of interaction between the subsidence impacts.

Part of that is also groundwater. The key issue, really, raised around that was the groundwater and water management inflow into the mine workings and how it – you  
20 know, subsidence would ..... the subsidence impacts, but that – probably the other key theme area is the surface infrastructure. Pit related issues, noise and air impacts, traffic, visual and lighting. Probably the key theme was some broader issues of people – concerning the people, which is around greenhouse gas and climate change and ongoing use of fossil fuels.

25 I guess another key submission, as the chair pointed out earlier, was really about the performance of the proponent, Wollongong Coal, in relation to fit and proper person. Again, that’s not a material matter for the planning assessment, noting that, you know, this can have consideration under other statutory requirements, such as the  
30 issue of mining lease and the issue of an EPL. From a support point of view, I guess it was the employment opportunities and the economic benefits of the project were the key aspects, and it’s a bit to be considered by the department and raised in the submissions. Next slide, thanks.

35 Okay. Just – I’ll just briefly touch on the expert advice. Throughout the whole assessment process, more recently, but also since 2013, there’s been advice from the Commonwealth Independent Expert Scientific Committee around the groundwater, surface water impacts and the impacts on swamps. We’ve relied heavily on various agencies within the department, including the biodiversity consolation division to  
40 provide advice on biodiversity aspects and Aboriginal heritage, and the water division and Natural Resource Access Regulator in terms of groundwater, surface water and water licencing.

45 EPA, clearly, in terms of providing advice and comments on pit top issues around air, noise, water pollution and waste. Department of Regional New South Wales provide advice through the Resources Regulator and on rehabilitation and subsidence and also mining exploration geoscience ..... resource utilisation and royalties, Water



New South Wales has a key part in providing advice through the process on impacts to the drinking – the metropolitan drinking water catchment, and – under their control, and an a range of other agencies, including Dam Safe New South Wales on impacts to Cataract Reservoir, heritage – the function of heritage has now gone to  
5 Premiers and Cabinet, so advice from them and also transport for New South Wales on traffic and road impacts. Next slide, thanks.

I guess more broadly the IESC and the agencies, including DPIE Water had requested further peer review as required under Australian groundwater guidelines  
10 for the groundwater in particular, but the IESC asked for independent expert advice on subsidence impacts, particularly in a – in multi-seam environment. The company engaged a number of experts, including Professor Bruce Hebblewhite on the engineering aspects and subsidence.

15 The department had used Professor Hebblewhite earlier on in the process for advise on subsidence impacts. There's also been, through the process in the early impact reviews, the IPC engaged Jim Galvin and Dr Cole Mackie to provide advice. More recently Dr Noel Merrick and Dr Frans Kalf have provided advice to the proponent in terms of the groundwater modelling aspects. All this information's also available  
20 on the department's website. Okay. Next slide, thanks.

Okay. There was a key issue raised in – through the assessment by agencies is really about subsidence and, I guess, the key issue here is that mining in a multi-seam environment, noting that there's been prior extraction with the Bulli Seam, you  
25 know, since the – really, the 1890s with pillar extraction through there and also the Balgownie seams above the Wongawilli, which also included longwall mining and more recently there's been under the current approval there's been longwall mining in the Wongawilli Seam, as well.

30 The subsidence assessment was undertaken by SCT Operations for the revised PPR, and the key point there is that in the Wongawilli Seam itself, there's a pretty – a very low level of subsidence and associated ..... and strains with subsidence impacts in less than 100 mil, and generally in the 30 millimetre vertical subsidence level as a result of compression of the coal pillars from the bord-and-pillar mining. This leads  
35 to very low or negligible subsidence effects and impacts, which would be practically imperceptible from that type of mining, with the size of the pillars they've got for the project.

40 However, I guess, the risk is really more into the potential destabilisation of pillars above that may remain above the Wongawilli Seam in the overlying Balgownie and Bulli Seams. So the Independent Expert Scientific Committee requested further quantitative assessment of the risk of pillar failure, and to consider risks of, you know, catastrophic failure on upland swamps in a risk context.

45 So SCT Operations, assisted by peer review by Dr Hebblewhite undertook a risk assessment and concluded that the – for the Wongawilli Seam there was very, very – extremely low risk of impacts on the swamps as a result of failure in the Wongawilli

Seam pillars. Consistent with the IESC risk assessment approach for impacts on the swamps. They concluded that there was, really, negligible or extremely low risk of impact occurring, but also – it was also concluded that for the mine Balgownie Seam, since they – there was evidence there that they'd fully subsided that there was no additional incremental risk associated with the Balgownie Seams.

For the Bulli Seams, half the area – there was 14 panels mined within the Bulli Seam. There was evidence that seven of the panels had fully subsided. Seven of the other panels, there was insufficient evidence. They took a risk-based approach to look at the potential impacts on the surface features, including the swamps, to conclude that given the location of the swamps, the percentage of area of the pillars and the percentage for incremental pillar failure that the risk was still very rare under the risk assessment approach, or a less than one in 10,000 years or 0.1 per cent per year probability of impacts to swamps.

This was accepted by the – Professor Hebblewhite in the peer review and, I guess, the overall conclusion that the risks are negligible and are subject to further – as mining progresses, to look at – to get more information about the pillars – pillar subsidence in those remaining Bulli Seam panels, as – and the development of extraction plans.

So, I guess, overall the – for built features, natural features and Cataract Reservoir, the overall conclusions from a bord-and-pillar mining approach is that there's negligible risk associated with the natural features and negligible risk of leakage or reduction in water level quality for Cataract Reservoir. The department carefully considered the IESC recommendations and incorporated those into recommended conditions. The independent experts' conclusions were the assessments were appropriate and valid and government agencies broadly supported the recommended conditions for subsidence, which I'll go into on the next slide. Thanks.

So, I guess, the key – from the conditions point of view, the department has included performance measures for a range of natural and built features, in particular, we've required negligible environmental consequences, impacts to swamps and greater than negligible consequences would need to be offset in line with New South Wales Government's swamp offset policy. So also it's – so I guess the intent of that is that even while there's a very low risk based on the subsidence assessments and the pillar stability assessments of impacts, we have included a condition that from monitoring impacts on the swamps that there would be a backup of, you know, requiring offsets in line with the swamp offset policy.

The departments also required an extraction plan to be developed for the progress bord-and-pillar development in consultation with the Resource Regulator, DPIE Water and Water New South Wales. There's also – this includes built features, subplans including built features, management plan to address concerns about key assets, including transmission lines, on Mount Ousley Road.

Also an important feature is the ongoing swamp monitoring program as part of the extraction plan to address the recommendations of biodiversity conservation division Independent Expert Scientific Committee and also consistent – broadly consistent with the Independent Expert Panel for Mining and the catchments for  
5 recommendations about management of the swamps. I might go onto the next slide, thanks.

I'll just touch on water resources. So there was additional assessment done based on recommendations from DPAI Water and the IESC with – and further groundwater  
10 modelling and sensitivity analysis was completed with the peer reviews undertaken, as I mentioned earlier. I guess the keys points here is that there's – in terms of induced reduction in base flows were determined to be negligible from surface water up to about 10 megalitres per year, and really would have no discernible impact on Sydney's drinking water catchment.

15 Again, groundwater inflows were – incremental increases were minimal, with the total cumulative take of water predicted to be 288 megalitres per year with sufficient licences to cover – that the proponent has to cover that take of water. A key issue – the key issue, I guess, for the project, too, was the water discharges from adits with –  
20 as a result of long-term recovery of water, the modelling predicts that in – from 2057 there'd be 110 megalitres of water discharging from the adits.

This was a key concern raised in the Independent Expert Panel for Mining and the catchment about management of – in the long term, where water recovers after, you  
25 know, mining from the southern coalfields. The department has recommended a condition for another discharge management plan to address these concerns in the long term. Probably the other key points is that the policy – from a policy perspective, there's no particular impact on water supply boards under the New South Wales Aquifer Interference Policy.

30 The department has considered the IESC recommendations and incorporated these into recommended conditions, and the – I guess, the review by the independent experts for the groundwater considered that the model was fit for purpose and valid for use and the impact predictions, then government agencies supported the proposed  
35 conditions recommended by the department in terms of management of water resources. Next slide, thanks.

I guess the key conditions recommended by the department include a requirement to obtain all necessary water licences for both surface water and groundwater take. One  
40 of the issues with water licences is the ability to get surface water licences from the catchment area. There are water licences available on the market, but there's only – it's – there's only three licence holders, so the ability to get that is constrained.

45 From water supply, there's a condition there that requires the proponent to ensure it has sufficient water for all stages of the development. Discharges have to comply with discharge limits set in any environmental protection licence for the project. There's – noting that there was already discharge limits set and volumetric limits for

the project. There's a range of performance measures included in the – that the proponent would need to comply with and, also, as mentioned earlier there's an added water discharge management plan required to inform long-term treatment, discharge and reuse options, and also funding arrangements in the long-term, and the department's also recommended a water management plan to be prepared in consultation with council, DPIE Water and Water New South Wales and the EPA. Onto the next slide, thanks.

So, look, I'll just touch on here. I'm probably running out of time, but, look, I guess the other key area was relayed to me are the issues at the pit top area. So air quality, operational noise, construction noise were the key areas. I guess, the key outcomes that there were contemporary air quality noise impacts assessments undertaken for the project. The – for air impact it was undertaken in accordance with the approved methods for modelling and assessment of air pollutants in New South Wales with reviews by the EPA that gives feedback into that process.

I guess the key outcome is that the – that there was compliance with the, sort of, receivers around the site. With the implementation of best practice air quality mitigation measures, which included full enclosures of the new coal handling prep plant, water sprays, water carts around the site, washing and covering of trucks and real-time – a key aspect is real-time monitoring systems be installed with some TEOMs already installed to monitor dust levels around the site.

From an operation and risk point of view there was an assessment undertaken in accordance with the Noise Policy for Industry, which again followed input by the EPA and further revisions to that to improve avoidance and mitigation options and implementing reasonable and feasible management practices. This included extending and increasing the height of noise bunds, construction of container walls, relocating infrastructure, acoustic treatments of infrastructure onsite, and a key one is, really, restricting operational times to the day time period for key activities to minimise impacts, particularly truck movements from – to and from the site.

I guess the noise modelling showed a one to two dBA exceedance of project trigger levels during the night time period at – representing residences around the site under the New South Wales Government's Voluntary Land Acquisition and Mitigation Policy, these sort of levels are considered a negligible level compared to the project noise trigger levels, and no mitigation or acquisition is required under the – under that policy.

For construction noise there is – there was some impacts during the construction of the bund and the – in the first three months construction period, where some receptors would have – there'd be a short duration of exceedance of noise affected criteria, which is 10 dB above the background levels. This – the department's recommended conditions for a construction management plan in the – in restricting construction hours to standard hours under the interim construction and noise guideline.

PROF CLARK: Mr O'Donoghue, can I just interrupt you - - -

MR O'DONOGHUE: Yes.

5 PROF CLARK: - - - for a moment.

MR O'DONOGHUE: Sure.

10 PROF CLARK: Just because I know that the commissioners have got some questions about this project and - - -

MR O'DONOGHUE: Sure.

15 PROF CLARK: - - - I just note the time. We've only got, sort of, 10 minutes left in order to facilitate those questions. So if you wouldn't mind, if we could wrap this section up.

MR O'DONOGHUE: Yes. Yes.

20 PROF CLARK: All of the presentation will be made available - - -

MR O'DONOGHUE: Okay.

25 PROF CLARK: - - - and can be submitted as part of a public submission.

MR O'DONOGHUE: Okay. Look, I'll – if we could just move onto the next slide and I'll just quickly touch on this. I guess the recommended conditions for the amenity, there's strict criteria for noise and dust in the recommended conditions. Requirements for real time monitoring systems, you know, further mitigation  
30 measures will be incorporated in the design and the management plans will be – required to be prepared and implemented in consultation with key agencies and counsel. Next slide, thanks.

35 Look, I – there was a number of other issues, traffic, it's documented in the assessment report, so I won't go to them in here, but the other key issues raised in submissions were about traffic, downstream flooding, management of reject material, you know, greenhouse gas emissions and heritage, but I'll just move onto the next slide, thanks.

40 Overall benefits of the project touched on earlier. It's really about construction and operational jobs. The economic assessment determined that there was a net benefit to New South Wales of 117 million net present value, with some additional indirect benefits, as well, with a – the local effects analysis, also, determined there's 14  
45 million to the Illawarra region, and there'd be also royalties to the New South Wales Governments in the order of 33 million. Next slide, thanks.

So just quickly touching on summary. So we completed a – the ..... of assessment of the project in following consultation requirements and in consultation with New South Wales Government agencies and also seeking expert advice on the project. We consider that the revised PPR bord-and-pillar mining methods address the key  
5 concerns raised in previous Commissions reports and, particularly, in relation to the uncertainty around subsidence and groundwater impacts due to – in the multi-seal environment. Next slide, thanks.

10 The proposed mine is designed to be long-term stable with negligible risk of pillar failure, and there's predicted to be minor to negligible subsidence related impacts. We also considered that the new surface facility layout and design would minimise amenity impacts around the pit top area, and also recognise that it is – that there is infrastructure already there. There's infrastructure and resources in the area for coal mining, and to the – provision to the coal terminal. Next slide, thanks. There'd be  
15 economic benefits to the area, and overall consider that the benefits outweigh the residual costs and is in the public interest an approval, subject to the strict conditions. So I'll leave it there and we can get into questions.

20 PROF CLARK: Thank you. I guess the first question is related to employment, and you mentioned that in a couple of your slides. We note that a local effects analysis presented in your report assumes that only 20 per cent of the additional workforce would be sourced from the local government area. In the department's assessment report, it states that that number of directly employed local workers would be substantially higher. Can you expand on the basis that the prediction is made of such  
25 a higher level of local employment compared with the proponent and the local effects analysis report. Thanks.

MR O'DONOGHUE: Sure. I guess we considered that in the effects analysis they assume that there'd be 20 per cent of the workforce would be from the local area, and  
30 20 per cent, you know, from supplies from the local area, I guess, conservatively, in terms of not overstating potential, you know, benefits to the region. Information, I guess, from – prior to care and maintenance operations and mining prior to this, you know, so that probably more in the order of about 50 to 60 per cent of the – 60 per cent of the workforce were in that local Wollongong LGA area, and up to 90 per cent  
35 from the broader Illawarra area. So, I guess, historically there's been much larger, you know, local and regional workforce from the area, rather than broader afield. So that's more the basis of that comment.

40 PROF CLARK: Thank you. Peter, do you have any questions for - - -

DR WILLIAMS: Thank you. The movement of trucks – the truck movements and general operations at the pit top. There's conditions about the hours of operation. Basically, the hours of operation ceases at 6 pm, but there is a provision for extension from 6 pm to 10 pm as – and it arises, I guess, in relation to issues like the Port  
45 Kembla coal loader. Just wondering how that is conditioned specifically in relation to approval that's needed for any changes to the operation of trucks, that's approval

from the secretary, and also any idea of the frequency that such an extension might be required.

5 MR O'DONOGHUE: Look, based on – the intention of that is just to – in the instance where there's this inability to get – you know, there's extended shutdown of port facilities, etcetera, where it's just not been feasible to get coal out. I guess, historically, when you look across other operations it's not triggered that frequently. So I would expect it would be in a five-year project such as this, it would be probably unlikely to be triggered over that timeframe, you know, based on historical  
10 need for it, so we would expect that the – most of the operations, you know, would be within those standard hours and that any request made would need to provide sufficient justification, you know, for that – through that process.

15 PROF CLARK: Thank you. Chris.

PROF FELL: Well, thank you. The mining method proposed is classed as first workings and the pillars, quite substantial ones, are left after the mining's finished. I just wonder about what sort of recovery is obtained and whether that is considered satisfactory on what, I guess, is a valuable resource? Any comment?

20 MR O'DONOGHUE: I think the recovery is in the order of 30 to 40 per cent, I think, in terms of the coal. I'd have to double check that, but I guess the main – the reason for the large pillars being retained here is, really, to address the concerns raised, you know, through the prior Commission hearings about that – about the stability and risk of pillar – you know, risk of pillar failure in that multi-seam environment, and the proponent, I guess, put forward, you know, that trade-off of – it's a substantial reduction in the take of the resource against the, you know, potential impacts on surface features, such as swamps, etcetera, to get that balance.

30 PROF FELL: Thank you.

PROF CLARK: Thank you. Any other follow up questions? Peter?

35 DR WILLIAMS: Could I perhaps ask one quick question.

PROF CLARK: Yes.

40 DR WILLIAMS: Just in relation to groundwater impacts. It's – I think it's the advice from the Water New South Wales that the proposal satisfactorily meets the neutral or beneficial effects test for the city drinking waters. Could you just explain a bit how that – it might be conditioned or actioned through any conditions of consent to ensure such compliance?

45 MR O'DONOGHUE: Sure. I guess we looked at this more, and particularly, in relation to reject emplacement underground where it was raised as an issue by Water New South Wales as a potential – and EPA in terms of the potential, you know, for at least eight generation and the potential to impact on the catchment water quality. So

we have included conditions in there for ongoing geochemical assessment of the reject prior to emplacement underground. All the evidence to date shows that it's fairly inert material, low acid forming, and the risks are very low.

5 There – any – I guess the other key point to make out here is that any long-term  
groundwater recovery is that any discharge points would be back through the  
escarpment, through the adit in that – in terms of the modelling where they predicted,  
you know, in 2057 that the groundwater recovery would reach that adit level where  
10 we would discharge to coastal – the coastal, rather than into the Sydney water –  
drinking catchment.

DR WILLIAMS: Thank you.

15 MS McKELVEY: Thank you. Are there any further questions?

PROF CLARK: No.

MS McKELVEY: Thank you, Mr O'Donoghue. I think we'll move onto the next  
20 speaker, if that's okay.

MR O'DONOGHUE: No. It's fine.

MS McKELVEY: The next speaker to present is Warwick Lidbury from  
25 Wollongong Coal.

MR LIDBURY: Yes. Well, I'm Warwick Lidbury, the CEO of Wollongong Coal  
and the mining engineering manager for the past three years at Russell Vale Colliery.  
I'm representing the shareholders of Wollongong Coal Ltd. The board of  
Wollongong Coal has committed to complete this project and future projects utilising  
30 an environmentally friendly mining process. This excludes longwall mining and  
secondary extraction methods within the Russell Vale leases.

Russell Vale Colliery Project has engineered out the risk associated with mining  
under the Water New South Wales catchment, the noise generated, air quality and the  
35 adverse effects of visual impacts on the pit top area. WC now has the full financial  
support of a major shareholder to commence the construction works and the capital  
injection to recommence mining at Russell Vale.

The extraction plan will ensure no cracking of the strata, no additional loss of water  
40 from the catchment and no adverse effects at all to quality on the surface. There will  
be no mining under the catchment high water mark. The mine plan will be in the  
lower Wongawilli Seam. The mine plan has the extraction of 25 metres of longwall  
in the longwall 6 approved area with a rundown fully supported with mesh and 12  
metre fully encapsulated Megabolts to enable personnel to work and extract the  
45 equipment from this area and minimise any subsidence from that last 25 metres.



The extraction method has no adverse effects on the upland swamps. It has no effects that would increase bushfire risk in the surface area or the extraction area. The mine will require 24 environmental management plans to be approved by the secretary and key agencies, including the adit management plan. There will be no effects on any Aboriginal sites. The planned roadway development towards the centre portion of the Russell Vale leases are to meet the existing distribution from the Bulli Seam and will ensure a second egress from the existing manriding shafts, as per the Mine Safety Regulations.

10 The board of Wollongong Coal has committed to use environmentally friendly first working mining methods in the central and western portions of the Russell Vale lease area. All the coal extracted will be hard coking coal for the steel manufacturing industry worldwide, including the Australian markets if required. The employees will be paid as per the National Employment Standard and in excess of the Black Coal Employment Awards, and the availability of employment within the Wollongong area has increased over the last 12 months, and they will have first priority when we start employing people at Wollongong Coal.

20 All key issues raised by the previous PAC in the first and second reviews have been addressed in the UEP submission. Water New South Wales confirms the revised projects satisfied the ..... requirements. Operational noise mitigation measures installed prior to mining will ensure legal levels at all close measuring sites. There will be no new adits established in the project plan. The risk of subsidence related impacts to the threatened species occupying these sensitive environments, including the prickly bush pea, giant burrowing frog, the red-crown toadlet and the giant dragonfly has been removed.

This project application has been prepared by qualified professionals in their field, and peer reviewed to ensure accuracy and confidence in the information presented.

30 The project has a capital expenditure of 35.5 million over five years, employment of 22 constructions jobs, 205 full-time workers consistent over the five years, \$17 million to the Wollongong region. 17 million to the Wollongong region utilising local businesses. Royalties and taxes paid to the New South Wales Government in excess of 33.2 million. 34 million paid in payroll taxes. Wollongong Council revenue of 10.1 million in rates and land taxes. With the support of the local organisations within the Wollongong community, and it has a State economic – State economy has a net benefit of 174.3 million in New South Wales, 117 million direct benefit, and 57 million indirect benefit. That’s all I’ve got for today.

40 PROF CLARK: Thank you.

MR LIDBURY: Got any questions?

45 PROF CLARK: Peter, any questions for - - -

DR WILLIAMS: Yes. Thank you. The issue with the trucks onsite, obviously, moving around the road. It's quite close to existing – well, the existing residences  
- - -

5 MR LIDBURY: Yes.

DR WILLIAMS: - - - there. The – whether actual – how much likelihood of queuing, when will the trucks be emptying onsite, where will they be located onsite, just in terms of the movement of trucks on and off, particularly onto the site when  
10 they need to load up.

MR LIDBURY: We previously took some product off the ..... last year at the same rate of trucking. We didn't have any issues. We took all the noise monitoring. We had a certain minimal amount of trucks that would turn up in the morning. The  
15 loading cycle was exactly the same. We didn't have any issues at all during that whole process. So we've done it in the last 12 months at the same rate, and it was very successful.

PROF CLARK: Thank you.  
20

DR WILLIAMS: Yes.

PROF CLARK: Chris. Any questions?

25 PROF FELL: Thank you. You've described in your documentation how waste will be either sold as fill, I guess – clean fill – or put back in the mine. What is your expectation now for that? Are there market ..... for these or is the job of putting it back in the mine straightforward and causes no long-term problems?

30 MR LIDBURY: Well, we put that in the application, but that's our last thing that we would do. The economic benefit of selling the coal as run-of-mine coal is probably the first option, where we can sell it to certain customers as-is without detriment to the price of that product. So we would most probably be starting by selling that run-of-mine coal and assessing the economics as over the five years.  
35 Whether it's even a benefit to put in a ..... processing plant.

PROF CLARK: Thanks, Mr Lidbury.

PROF FELL: Thank you.  
40

PROF CLARK: My question relates to the construction of noise barriers and container walls. I note that you've committed to installing those barrier and container walls before construction, but only raise the existing noise plans within the first three months of operations. I'm wondering why the delay between the two and  
45 if that cannot be done - - -

MR LIDBURY: No, there's not a delay.

PROF CLARK: Thank you.

MR LIDBURY: When and if we get the approval, we have to construct 24  
environmental management plans from the approval documents or the  
5 recommendations, so that is going to take a period of time. Before we start  
underground mining, the construction work for the noise barriers has to be  
completed. We've already started getting tenders and proposals for these noise  
barriers, so they would start on that day. The contracts would be given out to the  
people that have already been organised, they would construct those, we would have  
10 the management plans into the regulator and approved before we would start any  
underground production and putting coal to the surface. So that's the sequence of  
events. It wouldn't be that we would start mining straight away.

PROF CLARK: Thank you. So just for my clarification, the construction and ..... of  
15 the existing noise bunds is before operations commence.

MR LIDBURY: That's correct. Yes.

PROF CLARK: Any other, further questions? Yes, Peter.  
20

DR WILLIAMS: So, Mr Lidbury, has any thought been given at this stage to the  
sort of material that would be used for the construction of the noise walls?

MR LIDBURY: Yes. We've done an assessment. We've looked at the  
25 construction of containers, but we brought in the people that have done all the noise  
barriers along the main highways in Sydney, and it looks as though it'll be pre-cast  
slabs. We've had the geotechnical assessments completed, and we've had the  
designs completed already, so they'll be ..... looking ones the same as probably the  
look along the highways in Sydney.

DR WILLIAMS: Thank you.  
30

MS McKELVEY: Just one point of clarification, Mr Lidbury, if you wouldn't mind.  
You said in your submission that local employment would be given first priority.  
35 Just how is it intended that that would be done?

MR LIDBURY: Well, it's the availability of people, but we've started  
communication with the local unions and the staff association at ..... to see what's  
available through those organisations, and they'll all be considered, but it would be  
40 our preference to have our local people. We don't want people travelling in from  
other areas; we want to put business back into the local community.

PROF CLARK: Is that all? Thank you, Mr Lidbury. We'll have to move on, given  
the time. Thanks very much.  
45

MR LIDBURY: Thank you very much for the opportunity.

PROF CLARK: Our next speaker is Cath Blakey, who I understand is from Wollongong City Council.

5 MS BLAKEY: Yes. Hello, panel. Thank you for your time today. Can you hear me okay?

PROF CLARK: Yes.

10 MS BLAKEY: Thank you. So this mine expansion application has a significant environmental ..... impact and there are various conditions that are suggested to minimise and mitigate those impacts. However, the proponent has a track record of defying conditions of consent and subsequent development control orders. These include flood risk, water pollution, storm water infrastructure, site rehabilitation, and there are also outstanding land ownership issues. Over the 16 years the proponent  
15 has owned Russell Vale Colliery, Council has repeatedly begged the state government to exercise greater rigor, scrutiny, and compliance action regarding the conditions of consent.

20 Bellambi Gully Creek runs from the pit top, through Wollongong residential and commercial lands, to the ocean. Wollongong Coal's 2011 expansion required creek realignment within the pit top area to reduce flood impacts on downstream properties. Nine years later, the creek realignment still hasn't occurred. Various deadlines have been missed; control orders issued and ignored. In July, a paltry \$6,000 fine was issued for failing to comply with a creek realignment control order.

25 Wollongong Coal has also failed on numerous occasions to manage its stormwater run off to protect water quality. Residents have raised the alarm on this, and in 2016 Council unanimously resolved to appear to the state government to do water quality testing and require the Colliery to control and prevent water pollution. Later that  
30 year, the EPA issued a \$31,000 fine to Wollongong Coal for failure to maintain plant equipment, failure to publicly disclose water monitoring data, and failure to adhere to its water discharge conditions.

35 The previous mine owner, from 1989 development consent, had approval to use Council land as an emplacement area with a land swap planned and a security bond. As a result, Council has invested and maintained sections of Wollongong Coal land as part of the Russell Vale Golf Course. Recent, repeated attempts to resolve the 30-year land dedication and security bond matters have been met with obfuscation by the proponent. In 2018, an order was issued to remove excessive unauthorised coal  
40 stockpile from Council land and remediate the emplacement area. As discussed earlier, the coal has been removed, but the site has still not been remediated. The final landform design implementation plan and schedule are still outstanding.

45 Another matter is that Wollongong Council has made a clear commitment to reduce emissions. We joined the Global Covenant of Mayors for Climate & Energy in 2007, declared a climate emergency in 2019, and last year Council unanimously committed to a net zero emissions target by 2030 for our own operations and net zero

by 2050 for the whole city. The latter is consistent with the New South Wales government position. Council is investing \$32 million over the next two years to reduce emissions by 25 per cent. That's about 700,000 kilotons of CO2 equivalent emissions by capturing landfill methane and converting it to CO2, bringing in  
5 municipal-scale food scrap recycling, installing solar panels, and ensuring all new Council buildings are energy efficient and net positive, and many more actions. However, if this project is approved, it will really undermine the city's work to reduce emissions.

10 So this Russell Vale coalmine pit top is the closest mine to a residential area anywhere in Australia. There are significant adverse impacts when it comes to water, flooding, dust, noise, and air pollution. There are outstanding financial liabilities and remediation work, and for a company that has paid no tax since 2013 and has \$1 billion worth of debt, in the balance of both the benefits and adverse  
15 impacts, it's clear, I think, that this project is not in the public interest. I call on you to reject it and thank you for your time.

MS McKELVEY: Just a reminder before – thank you, Ms Blakey. That is very useful. But just a reminder, in terms of the commentary about potential past  
20 breaches, as the Chair mentioned in opening, to the extent that you want to make submissions about that, you can, but the most useful part for the Commission will be to deal with the impacts of the particular development, which you've also addressed. Whether the particular entity is a fit and proper person is outside the remit of this Commission and so, as I say, if everybody could direct their commentary to the  
25 impacts of the development and the proposal rather than the identity of this particular applicant, that would be most useful. The next speaker – is there any questions, sorry? No? The next speaker is Geoff Pollard. Mr Pollard is from Becker Mining.

MR POLLARD: Yes, hi. How are you going? Thanks for the opportunity, as well,  
30 to speak today on behalf of Becker Mining. Yes, my name is Geoff Pollard, I'm the customer service representative for Becker Mining Australia, and I'm based in our Wollongong office at the innovation campus of the university campus. Becker Mining is a high-tech supplier in the fields of energy distribution, automation technology, communication technology, and transport technology.

35 Myself and Becker Mining are all for Wollongong Coal going back into full production. Becker Mining Australia has offices all over Australia, including the Wollongong office, as I've mentioned. The Wollongong office relies on local coal mines to keep its doors open. If the Russell Vale Mine does go back into full  
40 production, it will lead to more jobs and revenue for the Wollongong office and our supporting businesses. Becker has been dealing with Wollongong Coal for many years and we have faith in the company and are looking forward to a bright future working together.

45 When many people think of coalmines in Illawarra, they picture in their mind an old winder with wheels turning, men entering the cage carrying picks, cribs tins, and possibly a birdcage. As most of you guys would know, this is no longer the case. A

few facts about the local coal mine, as well: on a global scale, Australia is a significant producer of coal and supplies about one-third of the world markets. Approximately three-quarters of the Australian coal is exported, with the remaining products used for local manufacturing and electricity generation. Both black coking coal thermal coal is mined in the Illawarra area and, as mentioned, Wollongong Coal will be producing coking coal.

New mines must comply with all government conditions and laws, which require them to use the latest technology and ensure that they must meet the safety, environmental, and production targets. To get this mine operational again, Wollongong Coal has invested millions of dollars, and countless man hours, and has required new infrastructure both underground and on the surface. It will require many more dollars to get to this completion stage.

The project will be required to use many different trades and contractors from many different fields, and will continue to need these people of the life of the mine. With the difficult times that we're going through with COVID-19 and the loss of many jobs in Illawarra and many other areas in Australia, this is a great opportunity not just for Becker Mining Australia but for the Illawarra.

We all understand that we must look after our planet and hand it on to our children in hopefully a better state than we found it. This project is exactly about that and also about local jobs in the local community in Illawarra. If local workers cannot find work and local manufacturers cannot manufacture their products, we will lose this and the Illawarra will suffer. If you take some time to do some drives around the country, you will find many once-booming towns basically now ghost towns due to local jobs and local manufacturing being taken away. We do not want to see Wollongong manufacturing and our labour supply going down that path, so Becker Mining Australia and myself do want this project to go ahead.

MS McKELVEY: Thank you, Mr Pollard. Does the Commission have any questions?

PROF CLARK: Any question from the panel? Peter?

DR WILLIAMS: Sorry, Mr Pollard, so you're a local company in the Illawarra? Sorry, I might have missed that.

MR POLLARD: Yes. Yes, we have office here. Well, I'm based in Wollongong, myself, but our head office for the Australian side of the business is based in Thornton in Newcastle, and our head office globally is in Germany.

DR WILLIAMS: Thank you.

PROF CLARK: Chris, any questions?

PROF FELL: Yes. I just wonder if there are opportunities to come up with innovative products for a project like this.

5 MR POLLARD: Yes, 100 per cent. We have been working with Wollongong Coal to try and update their safety systems for their communications, and to get people in and out of the mines safety, and to track the workers underground to make sure everyone is safe and we all know where they are. So, yes, we are definitely working with Wollongong Coal to do that, as well.

10 PROF FELL: Thank you.

PROF CLARK: Thank you, Mr Pollard. I have no further questions.

15 MS McKELVEY: Thank you, Mr Pollard. Thank you for your submission.

MR POLLARD: No problem.

20 MS McKELVEY: We'll move on to the next speaker, which is Mr Gregory Walker from Sutherland Shire Environment Centre.

MR WALKER: Thank you, Commissioners. Can you hear me?

PROF CLARK: Yes.

25 MR WALKER: Yes. All right. Look, my presentation today will focus on the claimed economic benefits and residual impacts, particularly the residual impacts that are both identified by Wollongong Coal and also by the department. I will declare that I have academic qualifications in economics, but I also have family members who reside in an adjoining suburb to Russell Vale, and I am personally  
30 very well acquainted with the local area.

Let me start by saying that the department considers the benefits of the project will outweigh its residual costs. Now, it's the residual cost that I particularly want to focus on, and in addition to that, the fact that the department says that if it's  
35 approved, there are strict conditions of consent that they have recommended. Now, just taking you very through very quickly, ..... positive gross profit from the direct operational activities has been forecast. Given our current economic ..... they might struggle to achieve that, but then, so will I struggle to come up with any alternative prediction, because our economic future is quite uncertain at the moment.

40 They have commissioned an economic impact assessment study, and rightly so. They include indirect costs in that study – what they classify as social and environmental impact costs borne by the community. That's what I'm really trying to zero in on. But with those total indirect benefits, which are improved wages and  
45 improved services to suppliers of the mine, the total indirect costs are only valued about 19,000, compared to the improved wages and supplier surpluses of 57,000. Now, I just find this indirect cost, which I am assuming should be these residual

social and environmental impacts, are seriously understated or they're not covering everything. Fundamentally, most of that 19,000 is an amended or adjusted estimate of greenhouse gas valuations.

5 Before I dig into more detail, let me just confirm that yes, correctly, the baseline  
measure for all of these costs is quite explicit. It is that the mine is closed and  
rehabilitated. So we're starting from that baseline and the commissioner economic  
impact assessment does start from that baseline. Therefore, any noise, dust pollution,  
10 traffic congestion – any of these negative impacts must be included in an assessment  
of the residual valuation of cost.

One of the most difficult things for an economist to value are these non-market  
impacts, I will admit that, but I've tried to look at projections of studies in  
15 Wollongong Coal's RPPR report, and they seem to refer to various baseline periods,  
to the point where it gets quite confusing, because a lot of the recordings does  
actually include times when the mine was in operation, but that is not baseline at the  
moment.

The other background is that the department talks about the residual impacts and its  
20 recommended conditions. Implicit in some of the language of the department in its  
report is a suggestion that these residual costs – social economics impacts to the  
community – will be eliminated or at least negligible under the consent conditions  
they propose, but the proposed conditions will not eliminate negative impacts.  
Remember, any noise above a non-mining operation is a residual impact. They  
25 actually prescribe limits to the severity of such impacts. Now, the government  
agencies have all confirmed that the limits are acceptable, but, of course, these  
agencies are not residents.

So, in addition, the conditions include multiple impact management plans mentioned  
30 by the previous speaker from Wollongong Coal. A lot of work can be done there ....  
subject to approval by the department secretary, but overall, the extremely low  
valuation – let me get back to that valuation of 19,000 – I mean, these impacts are  
road maintenance, there's traffic maintenance, visual amenity, noise, air quality,  
congestion, travel time, safety, health conditions, and then we've got all the  
35 environmental issues, water supply and security, catchment damage, et cetera. You  
will probably hear, in the next two days, that these are the major focus of all of the  
objections to this mine, so how did could they get to a conclusion of 19,000 valuation  
on these?

40 Basically, most of it is the greenhouse gas valuation. They came up with an initial  
greenhouse gas valuation of 17.7 million, but then they pro rata that down to 19,000  
by saying, "We should only count the proportion of greenhouse gas emissions  
relative to the population of New South Wales to the global population". .... dubious  
argument. They also applied a carbon price which is an Australian-based carbon  
45 price that we all know is quite low by international standards. They were correct in  
saying under standard greenhouse gas accounting conventions, the fact that most of



their product will be expected means that their scope 3 emissions have not been counted.

5 Another issue – these are just examples, I can't go through all of this, I haven't had  
time to do it anyway – this is accepted that \$338,000 is required as compensation to  
Wollongong Council for the accelerated wear of Bellambi Lane. Why is there not an  
acceptance of a need for an equivalent compensation for the remaining 14 kilometres  
of roads to Port Kembla Coal Terminal? A back of the envelope pro rata application,  
10 doing the opposite to what they have done for greenhouse gas, I came up with 6.9  
million, and it's quite clear that those trucks will still accelerate wear and tear on  
roads across a variety of agencies that are responsible to it.

My third small example, there is a social impact study and in that social impact  
15 study, local property value decreases were identified as a concern to residents. But  
in the economic impact study, they're dismissed. There's nothing. Now, part of the  
explanation that I'm trying to come to grips with is the economic impact study says  
that there is 4.3 million of impact mitigation plans, including in Wollongong  
Council's capital cost projections, but this is measuring and provides a focus on costs  
20 to Wollongong Mine, rather than - - -

MS McKELVEY: Mr Walker, I'm sorry to cut you off. You've reached the end of  
your time. As you can appreciate, we've got a number of speakers that need to speak  
today.

25 MR WALKER: Okay.

MS McKELVEY: You are welcome to make a written submission, of course. If  
you've got written notes there, please – I'd ask you to provide them to the  
Commission.

30 MR WALKER: I will.

MS McKELVEY: That would be great.

35 MR WALKER: I will be doing that, and unless you've – you've got the essence of  
what I'm worried about: massive underestimation of these residual impacts to the  
community. I will send it in. Thank you very much.

40 MS McKELVEY: Thank you for your submissions. Our next speaker is Dorothee  
Babeck from CASES: Climate Action Sydney Eastern Suburbs.

45 MS BABECK: Yes, hi. Good morning, Commissioners. As you said, my name is  
Dorothee Babeck, I live in Sydney, and I am speaking against the approval of the  
Russell Vale Mine expansion. I am directly impacted by this on several grounds, the  
main ones being its polluting impact on clean, safe drinking water, air pollution, and  
its ramifications for the health of our planet. I have written numerous submissions to  
the ..... about mining projects in the past and, just like thousands of other citizens, I

actually have spent hours investigating, researching, and reading about each proposal before putting on a ..... submission for that.

5 So far, unfortunately, ..... proposal has been found worthy of your rejection. This was a very rare decision. Not surprisingly, it sparked the ire of the resources sector, which called on the Planning Minister ..... to reign in your decision making. By restaffing and setting ..... incomprehensible deadlines, the IPC was brought to heel. .... is this panel. Between 2011 and 2017, 59 mining projects, including expansions and modifications, were approved, yet only three rejected. These numbers speak for themselves, and may I repeat them: the IPC actually approved 59 mining  
10 applications and only rejected three.

Thousands of Australians have wasted their time by writing well-researched, well-argued submissions, yet they were only met with contempt. We only need to think of  
15 a couple of weeks ago, when the Narrabri Santos decision came down like a hammer. 22,000 submissions against the project and about 300 in support. Nationally recognised scientific, energy and economic experts committed their time to list thousands of arguments. Add to this farmers, Indigenous peoples, youth, and citizens argued against Santos' proposal. Yet a panel of only a few became  
20 politicised and ..... increasingly panicked public. It was feeling the pressure from the government to approve, approve, and approve. How long can this ..... stand?

I might call this process farcical. It is a process only to suit the system as ..... objections to this body. There are no other avenues for us to turn to; no other  
25 tribunal can hear us. We are not allowed to utilise the ..... IPC is meant to consider our concern and make an independent decision, but with a legacy of 59 versus three in favour of mining, we can only say coal is king and we, as citizens, have really no say.

30 The IPC, rather than being a rubber stamp authority, actually has the tools at its disposal to be independent, but it bows to economic and political short-term pressure. Climate change makes us stay up at night, worrying about the future, and just like Narrabri, decisions over Russell Vale are now fateful decisions sealing our demise.

35 We make decisions here in our country which affect the rest of the planet. How can this Commission be trusted with so much responsibility and under too much political pressure? I don't think we can, as we have seen in the decisions being made over the years: 59 mining applications were granted over six years and only three were  
40 rejected.

Do you, as humans, ever take the time and hear the heart-wrenching reports of those impacted by the mines you approve? Do you care to hear how they are subjected to constant stress by living next to a mine? Instead of receiving support from EPA or other government bodies, communities are left alone, one by one, being subjected to  
45 dehumanising treatment by the mining conglomerates. We ignore their complaints and impose intolerable levels of noise, dust, exhaust fumes, and particle matter into

their lives. Unmeasurable low-frequency noise pollution adds to the litany of death by 1000 cuts to these people.

5 Do you ever follow up with the consequences of mining affected communities and the hell they are forced to live through? You can read up about this in the book “Rich Land, Wasteland” by Sharyn Munro. We can only write letters, submissions, and emails. We really have no other manner of being heard. The cumulative threat from mining to our way of life is now directly impacting each and every person in this country and across the planet.

10 Russell Vale will also be approved no matter how many people speak up against up, what arguments will be delivered, and who is speaking. The decision has already been made; this is just a circus to make sure you can call this a democratic process. .... for sale in this country to the highest bidder and this panel is complicit until you become truly independent. Thank you so much.

MS McKELVEY: Thank you for your submission, Ms Babeck. I can assure you that no decision has yet been made, but in any event, we are ready for our next speaker. The next speaker is Sonya McKay from Fridays 4 Future Online.

20 MS McKAY: Thank you for having me. I’m just going to screenshare, although the host has disabled screensharing. Am I able to screenshare?

MS McKELVEY: I think. I’m just trying to figure that out for you.

25 MS McKAY: Sorry about that.

MS McKELVEY: You should be able to do it now.

30 MS McKAY: I’m still having problems so – now it’s coming up. So, we’re talking about the Russell Vale Coal Mine expansion. Hopefully, this will begin a slideshow soon. I will be centring on climate change and greenhouse gas emissions. Now, ExxonMobil themselves stated on their website that “we believe in climate change risks and that it warrants action”. So it’s a really serious issue. The department’s report, which has been noted that we need to centre on, talked about two ....

35 previously and the suggestion was that the conclusion, being the economic benefits of the preferred UEP will most likely be outweighed by the magnitude of impacts to the environment. Now, I’d like to centre on climate change and greenhouse gas emissions, just like 80 people who .... submission to it, as well.

40 The department’s report also stated, with concern, .... considered that the project in isolation is unlikely to influence global emissions. Well, it’s difficult to consider the suggestion of the emissions being in isolation when we’re talking about an integrated, dynamic system. You can’t think about emissions in isolation: it’s just not possible. The development consent also talks about minimising adverse impacts and an obligation to minimise, also, the environmental impacts.

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It further suggests that matters for consideration have been considered, and we know that in relation to the Environmental Planning and Assessment Act that there is a need for the consent authority to take into consideration the provisions of any environmental planning instrument, the likely impacts, and also submissions and the public interest. So, I would like to centre on the public interest because the department has suggested it has considered the objects of the Environmental Planning and Assessment Act in that it considers that the project can be undertaken in a manner that is consistent with these objectives, including ecologically sustainable development. I just find that difficult, because ecologically sustainable development encompasses the precautionary principle as well as intergenerational equity.

Now, when we're talking about facilitating ecologically sustainable development as part of the objects of the Environmental Planning and Assessment Act, we need to follow the implementation of the following principles: the precautionary principle and the intergenerational equity issue. So we're talking about threats of serious or irreversible environmental damage, and in this case, there is a threat of serious environmental damage, because the industry itself considers that the climate will be changed due to the burning of fossil fuel, and this will be seen as we go through the slides.

Now, in 1982, Exxon indicated their understanding that atmospheric carbon dioxide levels had increased due to fossil fuel combustion and deforestation, and that this can affect global climate through the phenomenon known as the greenhouse effect. This is the industry itself. Not only that, but they suggested that it was not likely to cause a substantial climatic change until the average global temperature rises at least one degree. Well, the problem is the Intergovernmental Panel on Climate Change has already suggested we have reached and are possibly over that one degree figure. We already know that it's suggested that there would not be uniform warming, but the polar caps would see an increased temperature compared to other parts of the planet, and that there would be impacts to agricultural growth, rainfall patterns and, on the high end, flooding with some coastal land masses.

Now, on the left you can see a graph from Exxon which indicates what they perceived or predicted would be the warming in the year that we're seeing now, and we know that that's similar to what's happening, because NOAA, who undertakes data for carbon dioxide atmospheric concentrations, has already suggested we're up to 412.55 parts per million and has already suggested – the United Nations IPCC has already said we are seeing one degree Celsius rise.

In addition to that, they've further predicted that we will reach 430 parts per million by 2030, along with, around that time, a 1.5 degree warming. Now, that's a concern, because there is also a 1981 document through Exxon in which the physicist would not accept that there would not be a catastrophic impact, because after 2030, there was likely to be catastrophic impacts, because of the time lags in the impacts.

Shell, themselves, had a documentary talking about the greenhouse effect and that the warming would be predicted in the range of 1.5 degrees to 4 degrees by 2050, explaining that it would be a change too fast, perhaps, for life to adapt without severe dislocation. And they also talked about how the familiar patterns of climate would be changing. So this is a really serious issue, and it's a serious issue because we're  
5 looking at the IPCC special report in 2018 in which they suggested that a 1.5 degree warming would mean that we would lose 70 to 90 per cent of corals worldwide and, by 2 degree warming, we would see virtually all loss of corals.

10 In addition to that, we're also concerned because if we're to keep to the 1.5 degree warming, we need rapid and far-reaching transitions in the land, energy, industry, buildings, transport and cities. They suggested that every bit of warming matters, especially since warming of 1.5 degree or higher increases the risk associated with long-lasting or irreversible changes, and that includes the loss of some ecosystems.  
15 So the issue is well considered to be a threat.

The United Nation's world meteorological organisation, in addition to that, suggested that there is a 20 per cent change that we would actually reach that 1.5 degree warmer mark within the next five years, or within one of the years in the next  
20 five years.

The department of defence have concerns about rising global temperatures, changing precipitation patterns, climbing sea levels, and more extreme weather events, as well as global instability. And it actually went further than that. The Army Defence  
25 Intelligence Agency and NASA considered the possibility of a total collapse in the defence force, as well as social. Now, we have a Paris agreement, and that Paris agreement means that the countries such as Australia are meant to lead the way towards keeping temperature rise under 2 degrees while aiming for 1.5 degrees. So there is an understanding that we should be doing that, but that is not actually  
30 happening at the moment.

The UN Gap Report indicates that we're actually headed towards 3.2 degrees temperature rise and that the 2020 commitments by Australia, they are met only because of a carry-over forward approach taken from the Kyoto agreement period,  
35 and that our 2030 commitments are not likely to occur.

We have already seen worldwide catastrophes increase, and that means that in Australia, there is a cost that could reach 39 billion per year by 2050, and that was a report by Deloitte in 2017, so there are economic costs in the future.  
40

We are already seeing the observable impacts to the Great Barrier Reef, fires, floods in Australia, particularly in the last two bushfire seasons.

MS McKELVEY: Ms McKay, I'm sorry to interrupt. You've reached the end of  
45 your time. As you can appreciate, we've got a number of people to get through today. I would invite you to submit your slides to the Commission through the

public submissions process that was outlined earlier, and thank you for your submission.

MS McKAY: Thank you.

5

MS McKELVEY: The Commission is now going to take a break until 12 pm, at which time we will resume, taking further submissions at that time.

10 **ADJOURNED**

[11.41 am]

**RESUMED**

[12.02 pm]

15

MS McKELVEY: Welcome back. Thank you for allowing us to have a break. The – our next speaker will be Ann Brown from the Illawarra Branch of the National Parks Association of New South Wales.

20 MS BROWN: Good afternoon, Commission – is it afternoon? Yes.

MS McKELVEY: Just

25 MS BROWN: Yes. Many thanks for the opportunity to speak to you today. Can you hear me okay?

MS McKELVEY: Yes.

30 PROF CLARK: Yes.

35 MS BROWN: I should just say my internet connection has been a bit unstable so I might drop out at any time, but my name is Ann Brown. I'm here today to speak on behalf of the many members of NPA, that's National Parks Association, Illawarra Branch. We are member-based conservation and act or activities group with a long history. I'm also a local resident as I live less than four kilometres from the mine. We object to the – this project. We believe it poses an unacceptable risk to the Sydney water catchment, to the fragile ecosystem of the Woronora Plateau and to the health and wellbeing of the residents of the Illawarra. We'll focus here on – on three key concerns: biodiversity, compliance and climate change.

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45 There are many other issues and you – and I know that you'll hear some of those but these are the key ones for NPA Illawarra. We are concerned regarding the adverse impacts on biodiversity. There are 39 upland swamps in the Wonga East area. Climate change will cause more hot days, less rainfall and runoff and increased risk of bushfires. We know that the upland swamps are very important for the quality and quantity of the catchment water. They also provide habitats for a wealth – excuse me – for a wealth of unique species. We do not know what the negligible

impacts of mining will be and the problem of TARPs is that once damage is done, it's reversible. I'm assuming Trigger Action Response Plans, TARPs, you're familiar with.

5 MS McKELVEY: Yes.

MS BROWN: Yes.

PROF CLARK: Yes. Yes.

10

MS BROWN: The ..... main plan will result in less subsidence than previous plans but there's an increased impact on the surface area of the Woronora Plateau. A glance at the map of the proposed new workings shows a much larger ground area will have new mining underneath it, much more than previously proposed. And the increased footprint means there will be a great deal more disturbances to land and wildlife due to workers driving and walking around during monitoring, boreholes, piezometers and whatever else they do. Now, the biodiversity impacts partly result also from the increase in groundwater inflows into the mine workings and the reduction in surface water flows.

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These have been modelled as negligible but they still exist and in times of future drought, they will – they will have more impact on fragile ecosystems. There's also the issue of the quality of water after mining, an issue which was not covered by the IEP&C as their remit was water quantity. Mining creates permanent voids and these will slowly fill with groundwater when the pumps are turned on. Before mining, the groundwater and the surface water are pure and clear. After mining, the water contains iron coming from the cracked sandstone as well as copper, zinc, nickel and heavy metals. We fail to understand how the added discharge of groundwater from the mine is likely to require treatment and yet the department states the mine will have a neutral impact on water quality within the catchment.

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Now, compliance. We are aware that your assessment is under the EP&A Act and not the Mining Act and, broadly speaking, the Resources Regulator and the EPL are the relevant bodies but we wish to point out that compliance to conditions of consent is very important. I've been a member of the CCC at the Wongawilli Colliery since 2014 and Wongawilli is owned by Wollongong Coal. There's been some ..... mining at Wongawilli during the six period that I've been on the CCC. The equipment was outdated and the safety record was poor with roof falls and equipment fires and in April 2019, the New South Wales Resources Regulator recommended mine closure due to the safety record. Now, Wongawilli is not Russell Vale but the Wongawilli – sorry, the Wollongong Coal senior management is the same.

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My experience with the company from the CCC is that they make a lot of commitment but do not carry them out, even to the extent of not paying their licence fees for which they were fined and there's now an enforceable undertaking. Now, you say that you can't consider that but I think compliance is necessary for the environment. The department assessment relies on a number of plants being

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produced and strict compliance to conditions. So compliance is very relevant and company history does not give us confidence in this regard. I'd like to quote the latest Independent Environmental Audit 2019 which was done by WolfPeak and they said 27 actions identified from the previous audit in 2016 had been closed. Okay.

5 But 14 actions remain open.

It is not this – and they say this is a relatively high number of findings not to have been closed out compared to other major projects audited in New South Wales. So this is independent evidence that even when notified, this company does not remedy their actions. Our other major concerns are the greenhouse gases emitted by the mining contributing to climate change. This is a relatively small mine but every molecule of methane and carbon dioxide emitted to our atmosphere is important. The world is already warmed by more than one degree and climate experts agree that the world is likely to exceed 1.5 degrees C warming. And as your speaker said before your break, every bit of warming matters according to the IPCC.

And 1.5 degrees C doesn't sound like a great deal until you read a recent article in nature which gave evidence that global cooling of just six degrees C led to the last ice age. So six degrees leads to an ice age. What does 1.5 lead to for us? And the answer if you look at the IPCC 1.5 report is quite horrifying, honestly. ...., each of the last four decades has been warmer than the previous one. Now, remember that this mine is classed as a gas heap mine with more methane than most underground coal mines. And as you know, mining emissions result from the liberation of stored gas during the breakage of coal and the surrounding strata during mining operations. Post-mining emissions occur during handling processing and transportation.

After the mining has ceased, some of the remaining residual in situ gas slowly travels up through the cracks and fissures caused by the mining towards the surface. Finally, the mine will fill with groundwater but not before the escape of greenhouses – greenhouse gases to the atmosphere. We believe that the greenhouse gas assessment detailed in the revised project 2019 appendix 8 does not include these post mining emissions and, in fact, they specifically said the – say that GHD Energy's estimates have only been calculated for the operational stage of the revised preferred project. Sorry. Although there are assessed fugitive emissions from the coal stockpile processing and transportation and from the ventilation air, there's no mention of the fugitive emissions which would occur over time.

We would like the assessment to be investigated an in the light of this guideline – guideline published by the Australian Clean Energy Regulator in 2020 and take account of the fugitive emissions of greenhouse gases ..... the Commission. Also, despite their claims, it would be possible for the company to reduce the GHD impacts of the project were it to go ahead by using green or renewable power. Wholesale retailers such as Flow Power can now supply renewable energy – electricity reliably for large use industrial customers and can manage 24 hour operations. So why doesn't the company use that to reduce their GHD. And I did actually telephone Flow Power to make sure that they could supply.



On a personal note, I'm lucky to have four beautiful grandchildren. Last Christmas, my son and grandsons went down to the South Coast and were trapped by the huge bushfires. I'm finishing. They tried to leave but the road became closed and they had to spend a night in the car, sheltering by the ocean at Mollymook and when the  
5 Princes Highway finally opened, they had to drive home with burning trees lining the road and it was terrifying. It's easy to forget that more than 150,000 holidaymakers and residents were evacuated and many homes were lost. Navy ships and personnel had to be called in. And that's just the South Coast bushfires. Climate change is happening now. Action is needed now. We ask you to reject this project and  
10 recommend a process to close Russell Vale Colliery permanently. Thank you.

PROF CLARK: Thank you, Ms Brown. We have one question for you. Chris.

PROF FELL: Yes. I wonder for my benefit if you could tell me which national  
15 parks perhaps surround the mine or are in close association with it.

MS BROWN: There's a park called Dharawal National Park which was – about eight years ago, I think, it became a national park and that's the closest. And the reason it became a national park was to prevent mining underneath it.  
20

PROF FELL: Thank you.

PROF CLARK: Thank you. Peter?

25 DR WILLIAMS: No, thanks.

PROF CLARK: All right. That's all. Thank you, Janet.

MS McKELVEY: Thank you, Ms Brown. Our next speaker is Danae Horsey of the  
30 Little School Preschool Incorporated.

MS HORSEY: Thank you. So my name's Danae. I'm the director of the Little School Preschool. We're – we're located at Kembla Grange just south of Wollongong. So I'm presenting today to acknowledge the support that we received  
35 from Wollongong Coal and our service. So we are a small not-for-profit preschool. And Wollongong Coal have been very generous towards the services of the local community during my time here. They've been – they've donated a lot of equipment to our service that we would, being a not-for-profit and being such a small service, would otherwise not be able to afford. They've supported environmental and  
40 sustainability programs and currently they – we are working closely with them to build a new community-based preschool for the Wongawilli community.

That sits adjacent to the Wongawilli mine. It's been quite a large project. It hasn't had a lot of media attention about it. They do a lot of work in the community and are  
45 very committed to early childhood education. As far as the expansion project goes, I'm more of acknowledging what they do in the community and how much they support the community. I do support what they're doing and, yeah.

MS McKELVEY: Thank you, Ms Horsey. Are there – are there any questions?  
I'm assuming - - -

PROF CLARK: I don't have any. Peter? Yes.

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MS McKELVEY: Yes. Peter.

DR WILLIAMS: Sorry, Ms Horsey. Just – sorry, I missed the location of the Little  
School Preschool.

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MS HORSEY: Yes. We're in Kembla Grange - - -

DR WILLIAMS: Kembla Grange.

15

MS HORSEY: - - - which is close to Wongawilli Colliery.

DR WILLIAMS: Right. Right. Thank you very much.

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MS McKELVEY: Thank you, Ms Horsey, for your submission. Our next speaker  
is Emma Rooksby from the Illawarra Escarpment Alliance.

MS ROOKSBY: Thank you. Can you hear me okay?

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MS McKELVEY: Yes.

PROF CLARK: Yes, we can.

30

MS ROOKSBY: Great. I sometimes have tech problems. Okay. Good afternoon  
and I'm grateful for the chance to say a few words today about this project. My  
name's Emma Rooksby and I'm one of the members of the Illawarra Escarpment  
Alliance, as noted. I – we just call it ESCA, so if that's okay I'll just use that  
abbreviation. ESCA was established in 2019. It's an alliance of local individuals  
and groups who are concerned to protect the cultural and environmental heritage of  
the Illawarra Escarpment. Our objectives include to protect and conserve the  
ecological integrity and unique vegetation communities of the Illawarra Escarpment  
and to protect activities that negatively affect slope and soil stability.

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We have a range of objectives but I've just pointed that one out as the most relevant  
to our presentation today. ESCA would like to object to this project. We're  
concerned about its potential impact on the Illawarra Escarpment's environmental  
heritage. I'd just like to comment very briefly on how we think this project might  
negatively affect the environmental heritage of the escarpment through two avenues.  
One is its general contribution to global climate change and the other is its specific  
contribution to local fire risk. So I'll talk to global climate change first. I listened to  
Ann Brown from NPA before and she – she said some things about climate change  
which I – I won't repeat and I had similar points. I won't repeat them.

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But I wanted to say that climate change modelling done for the Illawarra region has found that climate change will contribute to a hotter climate and, in terms of rainfall patterns, longer drier periods punctuated by more intense rain events which will lead to greater overall loss of soil moisture compared to current climatic conditions and will also contribute to greater bushfire risk. So what that means for our escarpment is climate change is posing huge risk to ecological communities of the escarpment as to ecological communities up on the plateau and globally. Every new mine or mining extension adds to the carbon pollution burden and, hence, to the threat to the vegetation of the escarpment.

And on that basis alone, ESCA would request that the project not be approved. But more specifically, ESCA is concerned about the increased bushfire risk that the project poses to escarpment vegetation for its negative impacts on the upland swamps of the special areas west of the escarpment cliff line. My understanding – I'm not a scientist myself but I follow the science and I understand that research has found that when the upland swamps dry out, they don't recover from fire very well and may become more fire prone and I – I've seen some reporting on that in relation to some mines in the special areas. I also found an open letter to the Premier of New South Wales by a number of scientists published in May this year made that point and it called for a suspension of approval processes for any further planning applications or post-approval plans for – for mining in the schedule 1 special areas of the Sydney water drinking catchment.

We're very concerned that drying out of upland swamps will contribute not only to loss of water from the swamps there and to loss of water for the – for drinking for Sydney and Wollongong but also because it might increase the floodability of the special areas and, therefore, increase the risk of fires reaching the wooden eastern slopes of the escarpment behind Wollongong. At present, the vegetation of the Illawarra Escarpment, much of which is rainforest and wet sclerophyll is considered to function as a high – as a fire barrier but on extremely hot and dry days like we experienced last summer, even that kind of vegetation if fire reaches it.

So it's critical to protect the vegetation to its west as much as possible, both for its own sake and for the sake of – sake of the local community who love it and live near it. That includes me. It's worth remembering also that the vegetation of the Woronora Plateau and escarpment is one of the last large unburnt natural areas in New South Wales after last year's fires. On behalf of ESCA, I ask the panel to reject the mine on these two grounds: climate change and increased fire risk. Thank you very much for listening.

PROF CLARK: Thank you, Ms Rooksby. Peter, did you have any questions?

DR WILLIAMS: No.

PROF CLARK: Chris.

PROF FELL: Just a brief one. Back in 2009 to '15 when the mine was operating, was there a history of significant bushfires?

5 MS ROOKSBY: Not to my knowledge. There have – fire has reached this area relatively infrequently in its history. The last major fires in the area were in 1968. But I believe that there was a lot of effort over the last summers to prevent fires from – I can't remember the highway. They were fighting to prevent it coming over a highway and getting into the – the special areas because of the potential for it to – to rush east with the strong westerlies behind it. But I can't comment on particular  
10 periods of the mine operation, sorry.

PROF FELL: All right. Thank you.

15 MS McKELVEY: Thank you, Ms Rooksby, for your submission. We'll move onto the next one. Dr Alison Edwards from the Illawarra Residents for Responsible Mining Incorporated.

DR EDWARDS: Thank you. I believe you have my presentation available.

20 MS McKELVEY: Yes.

DR EDWARDS: Thank you very much. So you'll see the blue dot to the right of the slide there. That is where I'm sitting at the moment, so you can see I live very close to this mine. If I could have the next slide, please. Who are we? The Illawarra  
25 Residents for Responsible Mining is a community group that formed in 2011, although many of us have been loosely associated prior to that specifically to oppose the expansion of what was then the Gujarat NRE No. 1 Colliery in Russell Vale, the colliery that's the subject of this current application and hearing. We advocate for responsibility in mining and we believe that responsibility requires that the health and wellbeing of ordinary people and the environment is – should come ahead of  
30 corporate mining interests.

Sustainability is a core value. If I could have the next slide, please. Our membership is inclusive of residents. We don't turn anyone away and we welcome everybody  
35 and look forward to gathering information from people in our immediate environment. We work to educate each other regarding the functioning the mine and the wider impacts and we welcome all the contributions from those who have observed its operation, especially those who have cleaned coal dust from their homes daily after – over decades. I'm often struck by the number of, largely, women but  
40 sometimes men as well who tell me how arduous it is to keep a home clean in this environment where we're constantly having coal dust descending on our homes.

Next slide, please. We must oppose this mine receiving any further consents. It's located in the special areas of the Sydney Water Catchments as you've already heard.  
45 We're not allowed to go walking up on the escarpment. The fine, if we are found in the special areas, is of the order of \$40,000 I believe. I will leave it to the people who make this their area of expertise to discuss it further. The mine is located, as

you saw on the first slide, in what is now an urban environment with the pit top surrounded by the suburb of Russell Vale to the north and east and Corrimal to the south.

5 Many individual residents will speak to you over the next day and a half and outline the reasons for their opposition to further approvals of this mine and we will also provide a detailed written submission as the issues here are many and varied and 10 minutes is only time to give a quick outline of the problems. Next slide, please. We often hear that the mine was here first. The order in which developments have  
10 occurred does not give rise to priority. Even if that were the case, the proponent is not the original owner. Far from it. Their application must be assessed according to current requirements and standards. Under current management, the mine is a corporate citizen with repeated failures to meet the conditions of mining ..... act within development consents or comply with critical conditions. Indeed, IRRM has  
15 sought to have a determination made whether the proponent is a fit and proper person to undertake developments of this nature.

Why are we told that these gutter concerns are not a matter for consideration ahead of approval? And I'd appreciate advice from the counsel assisting as to where we'd  
20 pursue further our fit and proper person matter which appears to have disappeared into the bowels of secrecy. Next slide, please. Coals to Newcastle or Wollongong. Either way the proposal is a nonsense. The reason why taking coals to Newcastle or Wollongong is a nonsense is because the relative weights of iron ore to coal in metallurgical use is 10 of coal to one of iron ore, or thereabouts. It's economically  
25 foolish to ship the necessary quantity of coal to wherever the iron ore may be and, even worse, if you ship the iron ore as well. All the shipping consumes further fossil fuels.

This proposal before us does not meet any rational sustainability criteria with the  
30 shipped coal consuming fossil fuels in transit and in the main, we, that is, the community via the community consultative committee, of which I'm a member, are given to understand that the coal when it reaches India is mostly used in power production. We're now on the cusp of sustainable steel making. Hydrogen produced sustainably as the reductant. And the excuse that the high quality coal which,  
35 undeniably, should be the product from this mine required to make steel will become invalid into the future. I should note here that I am a professional chemist and crystallographer by training, so I have some – some understanding in the areas of – of chemistry and, particularly, industrial chemistry.

40 Next slide, please. The planning process issues that we have faced over in – well, approaching 10 years now are incredibly challenging for a community. We long ago lost patience with the interminable applications to expand the mine with what perhaps now we look back and think was huge ..... expecting for the – the proposal to be cut back from what were preposterous propositions. The preliminary works  
45 approval contain conditions on the proponent which have not been met to date yet the coal has been taken and the damages associated with its mining have been done. The expansion project commenced by stealth by repeated modifications to the

preliminary works with ill-advised longwall layouts beneath the two upper mine seams proposed to undermine the two previously mine seams and approaching the Cataract Dam.

5 It's to be noted here that some of the subsidences that were predicted by what we  
were told was excellent modelling at the time are exceeded by factors of two and  
three of the predicted subsidences. So the ability to model these things even with the  
new mining method, there are uncertainties. IPC members have indicated to me and  
to others in previous hearing on such matters that further modifications would not be  
10 considered, only for more modifications – preliminary works to be made. So we're  
in a situation now where the underground expansion project which is before you has  
already commenced by stealth and done significant damage.

15 It may be less bad than previously but it is not acceptable under our water catchment  
or in a residential area. Next slide, please. The numbers of jobs delivered in the  
preliminary works and the various modifications under which mining has occurred in  
the underground expansion project have always fallen well short of the number  
promised by the proponent. The multiplier must be treated with caution as many  
businesses and individuals have waited lengthy periods the contracted payments for  
20 goods and services to be delivered – which have been delivered and across the  
operation by this proponent has not been demonstrated to have delivered the benefits  
asserted in the applications. We do not expect that this will be any different going  
forward.

25 Next slide, please. We've had a saga with the slag heap. It was never a legal  
emplacement area which was supposed to take only clean fill rock and what was  
supposed to be a minimum of – a maximum of 10 per cent coal combustible material  
was still supposed to have fire suppression installed on it. The fire suppression – the  
– the stockpile became enormous. It became up to 90 per cent coal and we've been  
30 dodging the planning bullets for now decades. Whether this matter dating back to  
when the council was sacked for failures and corruption in planning matters is an  
open question. Next slide. We've had the Bellambi Gully fiasco already listed. I'll  
move onto the next slide, please.

35 We have to ask ourselves what do they really want? Members of the CCC have been  
assured that there will not be a washery built, but it is in the plans. Upgraded  
infrastructure and processing is asserted, but open stockpiles remain the mode of  
loading on unsealed roads. Long drops from the conveyor to stockpile exacerbate  
both dust and noise are above the height of the – the noise walls and bunds. The  
40 proponent has repeatedly promised state of the art when challenged on location but  
rarely builds anything as promised. Next slide. I – I believe it's probably – this is  
the middle of the wedge. We've already had the thin end and the interminable  
modifications.

45 This mine is in the middle of Wollongong, not somewhere on the edge of it.  
Wollongong extends from Helensburgh in the north down to Kanahooka in the south.  
If approved, we will face another argument a few years down the track when the

proponent will seek to further intrude further into the special areas and closer to Cataract Dam. It is time that this was stopped.

5 MS McKELVEY: Dr Edwards - - -

DR EDWARDS: And I'll - - -

MS McKELVEY: Sorry, Dr Edwards, I don't - - -

10 DR EDWARDS: Thank you.

MS McKELVEY: I don't wish to interrupt you, however, of course, we are limited for time and I understand that the Commissioners have some questions.

15 DR EDWARDS: I'll – I'll conclude there. Thank you.

PROF CLARK: Thank you, Janet. Thank you, Dr Edwards. Peter, you have a question?

20 DR WILLIAMS: Thank you. Dr Edwards, at the beginning of your presentation you were talking about some of the issues that the members of Illawarra – Illawarra Residents for Responsible Mining were sharing with each other and one was in relation to complaints about coal dust.

25 DR EDWARDS: Yes.

DR WILLIAMS: Were these complaints specifically in relation to the Russell Vale mine or – when it was in operation or was this a – a shared experience with other mines?

30 DR EDWARDS: No. This was directly associated with the Russell Vale mine. It's widely acknowledged by tradesmen in the area that our roofs are full of coal dust and some of the homemaker folk in – in our area recount to us the fact that they can clean their house thoroughly. These are houseproud people and the next day they can do it  
35 all again and find more black coal dust. The difference between dust such as soil and house dust and coal dust is readily apparent and it's an enormous problem. It comes from the open stockpile method of loading the coal.

40 The reason there were not large complaints about the removal from the emplacement area was that the community largely understood that that emplacement area represented an enormous hazard to not just the community but the safety of our environment and that it had to go and that the only way to do it was to load from trucks. But as soon as the mine starts up again with its dropping coal from a high conveyor onto stockpiles on unsealed roads, we will again be beset by heavy loads of  
45 coal dust falling on the immediate vicinity including two child care centres which are between my home and the mine.

DR WILLIAMS: Thank you.

PROF CLARK: Thank you, Dr Edwards.

5 MS McKELVEY: Dr Edwards, also just answering an issue you raised specifically for me as counsel assisting - - -

DR EDWARDS: Yeah.

10 MS McKELVEY: - - - the EP&A Act is directed to regulating use and I – I’ve mentioned this earlier today. The impacts of the development is what needs to be considered under the Environmental Planning and Assessment Act.

DR EDWARDS: Yeah.

15

MS McKELVEY: The fit and proper person test is under the Mining Act and under the Protection of the Environment Operations Act in terms of the licensing. My role here is to advise the IPC.

20 DR EDWARDS: Yeah.

MS McKELVEY: So you would need to take your own advice about what can be done legally in respect of the fit and proper person test but there are community legal organisations that can assist you with that. Also, I’d like to remind you and anyone else that’s watching, given that this is becoming a reasonably consistent theme about non – previous non-compliances by Wollongong Coal. The EP&A Act has open standing provisions where anybody can enforce a development consent condition. It isn’t just a regulator that is able to do that, but you should take your own advice about that. But, certainly, that is one mechanism by which the Environmental  
25 Planning and Assessment Act directs people such as yourself to deal with those issues, rather than as part of the assessment process. So that’s why I’ve said at the outset that it’s not within the remit of the IPC to make judgments about this particular proponent, but to focus on this application and its impacts.

30 DR EDWARDS: Yes.

MS McKELVEY: So thank you very much for your submission.

DR EDWARDS: Thank you.

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MS McKELVEY: The next speaker is Nic Clyde from the Lock the Gate Alliance.

MR CLYDE: Good afternoon, Commissioners. I’m just going to share my screen, if I may. How are you going? Can you guys see that?

45

MS McKELVEY: Yes.



PROF CLARK: Yes, we can.

MR CLYDE: Excellent. Thank you very much. So my name is Nic Clyde. I'm from – as the counsel assisting said, representing Lock the Gate Alliance. Thank you  
5 for having me here today and I would just like to start by paying my respects to  
elders, past, present and emerging. I'm speaking to you today from Gadigal Land  
here in Sydney. I'd also just briefly like to acknowledge the work of community  
action groups, locals who've campaigned for years to stop the longwall project which  
was projected to be extremely damaging to the catchment, so thank you. I tip my hat  
10 to all of you who helped at least get a slightly less damaging project before the  
Commission today.

Over the next nine minutes, what I plan to say is, look, really the risks and costs are  
greater than the benefits, therefore, the project should be refused consent. Given that  
15 the trend is to approve coal projects generally, regardless of their impacts, I would  
also say that if you insist on approving this project, please do insist that the water  
access licences be obtained. I'll come to that in a moment. And there really is an  
opportunity and an obligation on the Commission and you, Commissioners, to ensure  
that scope 1 and scope 2 emissions, that is, the emissions for which the proponent is  
20 responsible for and which will be generated within New South Wales are mitigated  
or offset in their entirety.

So the first point that I'd like to make on – on water, we – we have heard from the  
department and the proponent today that this is a less damaging project. I  
25 acknowledge that's true as a bord-and-pillar project. However, there are still risks to  
the drinking water catchment. The principal purpose of the drinking water catchment  
is to provide water to our community. It's not to mine coal. Last year, Australia  
exported 184 million tonnes of metallurgical coal. An enormous quantity. This  
project proposes to export about – well, actually a bit less than half a million tonne  
30 per annum on average, so a very small amount of coal against the 184 million tonnes  
exported in a very sensitive environment. That's still carries risks of damage to that  
catchment.

There is the risk of ..... It might be low but it exists, compared to a case where you  
35 don't mine the catchment. There is this risk of emplacement coal and I think you're  
going to hear more about that from experts later on today and tomorrow about the –  
the potential damage to water quality that that might create. There's also risk to  
nationally endangered swamps, ....., where the company wants to retrieve a longwall  
miner and mine 25 metres of coal. So that will create further pressure on that  
40 swamp. There is also at a time when the – Minister Stokes' catchment mining action  
plan calls for a net gain for the catchment for mining projects if they're approved.

There is no gain proposed from this catchment that I can see from reading through  
the conditions. In fact, people are acknowledging it will cause the loss of about 10  
45 million litres a year to surface waters each year which adds up to 50 million litres of  
water over five years. So a loss of 50 million litres certainly cannot be called a gain  
for the catchment. Importantly, water access licence. I would like to make a

comment on this issue. Under the Water Management Act and as the department outlined this morning, the company is required to hold an access licence. However, a draft condition of consent has been proposed by the department that we believe is unlawful and that describes some sort of alternative mechanism which appears not to exist under the Water Management Act 2000.

We received legal advice about this issue over the weekend. We will provide that to the Commission shortly. But to summarise, we believe that the proposed conditions around the Water Act says licence is unlawful and I'd ask you as Commissioners to pay particular attention to that. In addition, there's an error in the department's reports specifically about this this water access licence. They say that if – if you grant approval for this project, then that water licence must be approved and they site section 4.42 of the EP&A Act for that assertion. If you look at 4.42, it contains no such proposition, so that is inaccurate. And please disregard that and get – seek independent legal advice.

My next point is the economics assessment is not fit for purpose for you to make a decision. It is misleading and flawed. It's out of date. I will make – provide more detail about this in the Lock the Gate submission. But in a nutshell, \$120 million in corporate taxes are attributed as a benefit to Australia with about \$38.5 million of that attributable as a direct benefit to New South Wales. Now, I've consulted various tax experts, some of whom will be providing you with – with submissions. This company has not paid one cent of corporate tax since it was – since JSPL acquired a majority stake in 2013. Not one cent. You can see the profit and loss there.

And I've been advised that it is extremely unlikely that they will be paying any tax whatsoever in the next five years. So that immediately wipes out 120 million or 38.5 from the direct benefits for New South Wales. In addition, a net producer surplus of close to \$40 million has been proposed as a direct benefit for New South Wales. That relies on local – on 34.5 per cent of local ownership of shares being owned by companies in New South Wales. There are only two shareholders that own 86 per cent of the company. One of them, Bellpac, owns 26 per cent. It's about to surrender all of its shares in a complicated legal arrangement with Wollongong Coal.

So it will be impossible for local companies to hold 34.5 per cent of those shares. So that net producer surplus must be reduced substantially. I think probably by 75 per cent in your cost benefit analysis. Point number 3, there is no cost whatsoever to the company from emissions reduction. So this project will produce one and a half million tonnes of scope 1 and scope 2 emissions within New South Wales boundaries. If – if – us, as taxpayers, are currently abating those emissions at a cost of \$15.74 point – per tonne through the federal government's Emissions Reduction Fund. If you costed the emission reduction at that, that would add another \$24 million to the cost of this project.

Now, as I've already mentioned, the proponent doesn't pay tax so, in effect, that \$24 million is a direct subsidy from Australian taxpayers who do pay tax. This is a cost that the company is currently not bearing, but we are as taxpayers. In addition,

there's a cost in perpetuity of water treatment. We don't know how much that would cost but that should be properly dealt with in the cost benefit analysis. Well, I'm starting to run out of time but I do want to make a couple of points on greenhouse emissions. The department makes no mention whatsoever – and this is a pattern of theirs – to the 35 per cent reduction by 2030 emissions reduction target of the state government.

It's mystifying to me that they don't even mention that and there's a failure throughout this process to look at scope 1 and 2 emissions if the consensus is scope 3 is a bridge too far. What the former chief scientist of Australia, Penny Sackett, told the Narrabri panel was that to meet that 35 per cent reduction target will require 2.4 million tonnes of new emissions per annum year on year from now till 2030. This – you guys, as the IPC, have already approved, since you were established in March 2018, and are likely to approve a couple of more that are recommended by the department, Macksville Underground and Russell Vale. A bunch of coal projects and one gas project collectively if all – if they're all approved – well, there's additional ones as well – you will already have exceeded that annual emissions reduction required.

You'll have taken us in the wrong direction by 2.6 million tonnes. Wollongong Coal is not a small emitter of scope 1 emissions will put them at the 94<sup>th</sup> largest emitter in the country, even more than Coles Supermarket chain. What are Coles doing is a responsible citizen? Well, they're buying renewable energy. They're not forced by the mining sector to do that but that's what they're doing. Capturing methane emission fugitives, are a huge issue for this mine. There is no discussion whatsoever of any abatement or offsets of fugitive methane emissions from this project. CSIRO reckoned that there's a bunch of different processes that make that possible.

It is highly likely that your panel will approve this project with zero conditions of consent require them to do – requiring this proponent to do anything meaningful to capture their fugitive emissions. Finally, ladies and gentlemen, if you build a house opposite the mine, you'll be subject to BASIX requirements to reduce emissions – your emissions. If you build a coal mine on the outside of the fence, you will not. More rigorous conditions if you're building a house in Russell Vale than if you're building a coal mine in terms of managing your greenhouse emissions. I've run out of time to talk you through the – the conditions and – and how I establish that that is true, but I will include this in my written submission and it includes a recent approval from the department of another coal mine's greenhouse management plan.

And you can see from what I've highlighted there full of holes, no meaningful enforceable conditions, has the potential, may be implemented, will investigate, will conduct a review. Nowhere do they say they will actually offset or reduce their emissions. If you build a house, you're forced to build up. I would also make a point about fit and proper ..... you cannot ..... statement on that. I will include a quite – quite detailed summary of the topic - - -

PROF CLARK: Thank you.

MR CLYDE: - - - in my submission as they relate to you to make an informed assessment of the socio-economic impacts and costs of this project which I believe makes that relevant.

5 PROF CLARK: Thank you, Mr Clyde. We have one question for you from Pete – Peter.

DR WILLIAMS: Thank you. Mr Clyde, during your presentation you mentioned that – I think it was in relation to the water access licence, the alternative mechanism.  
10 The advice that you’ve received and I think it was in relation to draft condition B12.

MR CLYDE: That’s right.

DR WILLIAMS: Will you be forwarding some information to us on the – to the  
15 panel on that – that concern?

MR CLYDE: Yes, I will. Thank you. We have legal advice from last night that sets out the detail of why we believe that proposed condition is unlawful and I absolutely will be only too happy to provide that to the Commission.  
20

DR WILLIAMS: Good.

PROF CLARK: Thank you.

25 DR WILLIAMS: Thank you.

PROF CLARK: Thank you.

MR CLYDE: Thank you.  
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MS McKELVEY: Thank you, Mr Clyde. Our next speaker is Nigel Howard from Northern Beaches Climate Action Network. When you’re ready, Mr Howard.

MR HOWARD: Sorry, just struggling to unmute my microphone.  
35

PROF CLARK: We can hear you.

MR HOWARD: Okay. Good. Good afternoon, Commissioners, and thank you very much for letting me speak today on behalf of Northern Beaches Climate Action  
40 Network. We are non-partisan network of nearly 50 different groups on the northern beaches of Sydney advocating for climate action. Now, you may feel that the northern beaches may be very remote from the Russell Vale mine site but the burning of fossil fuels anywhere in the world causes climate change that has no boundaries. Nothing could ever be more personal and close to home than direct  
45 assault on our own children and grandchildren’s survivable futures. So we have four main reasons for objecting to the – the proposed Russell Vale Coal Mine Expansion.

- First, the existential threat to future generations. By 2030, mankind's emissions will cross the threshold for triggering unstoppable feedback loops leading to four to six degrees of climate warming. Such warming is probably unsurvivable by most of mankind and 95 per cent of other species. Without radical action now, by 2100 there will be two billion climate refugees and four billion people will perish due to mass migration and conflict, drought, starvation, compromised health, fire, flood and sea level rise. Planning should be based on precautionary worst case scenarios not crossed fingers and wishful thinking. There is already a 10 per cent chance that we've crossed the threshold for four to six degrees of warming.
- There is legal precedent for objecting to fossil fuel projects on the grounds of both the direct and indirect emissions. We can't just keep pretending that scope 1 and 2 are the only thing that matter. Scope 3 matters for future generations. This project will cause the emission of thirteen and a half million tonnes of CO<sub>2</sub>, enough to kill at least 770 people prematurely due to climate impacts, but it will employ just 145 people for a mere five years. This project will prematurely kill five times as many people as it employs. This project paves the way for a much larger expansion of mining in the area. This is head in the – head in the sane madness.
- This project must not be approved if we are to give our kids and grandkids a shot at survivable futures. Secondly, damage to Greater Sydney water catchment. NBCAN support the submission by the Protect Our Water Alliance, high risk triple – triple seam mining under the water supply for Greater Sydney is reckless. And for New South Wales Department of Planning to approve such a high risk project by accompanying with such a poor safety record seems staggeringly reckless. IPC should not just reject this project. They should admonish New South Wales Department of Planning for approving it. Third, ecosystem degradation and bushfire risk.
- NBCAN supports the expert advocacy of National Parks Association and the findings of the Independent Expert Panel Scientific Committee on coal seam gas and large coal mining development detailing the likely irreversible damage to the EPBC listed swamps, to stream and riparian environments, to water dependent flora and fauna and the metals pollution of the Bellambi Creek. The draining of ground and surface water from the mining operations would also make Cataract Reservoir catchment, Woronora Plateau and the Illawarra Escarpment more prone to bushfire. Have we forgotten the summer of 2019 already? Forced solvency and ..... proper entity.
- In March 2020, auditors UHY Haines Norton questioned the solvency of Wollongong Coal Limited. Wollongong Coal has a poor safety record especially for such a high risk project with dire consequences of failure. The majority stakeholder, Jindal Steel and Power, faced corruption charges in India and will be distanced from accountability if Sydney's water supply is damaged into the future. I know this is ruled out of the remit for IPC but where the heck do the public raise these serious concerns, critical aspects of the viability of this project? We also now question the legitimacy of the IPC for hearing our submission. This submission has been made in

good faith following the Narrabri Santos IPC review where an unprecedented number of public submissions were made, 23,000, from nationally recognised scientific and energy economic experts, from farmers, from indigenous speakers and from our youth opposed to the project.

5

We no longer have confidence in the IPCs independence, political or corporate influence. Indeed, any Commissioner that has not resigned in protest at the Narrabri Santos decision should regard themselves complicit and tainted by it. We ask you not to approve this project and we have serious doubts whether our submission will be objectively assessed. Thank you for considering.

10

MS McKELVEY: Thank you for your submission, Mr Howard. As I mentioned earlier, no decision has been made in respect of this project and that's exactly why we're here today and why the Commission's hearing these submissions. The next speaker is Sophie Scamps from Our Blue Dot.

15

DR SCAMPS: Hello. How are you? Good afternoon, Commissioners. My name is Dr Sophie Scamps and I live on the northern beaches of Sydney. I'm a GP in Narrabeen and I also have a Master of Public and Population Health. I'd like to thank you all for the opportunity to speak to the Commission today. I am speaking on behalf today of our community group called Our Blue Dot. This group is based on the northern beaches of Sydney and represents over 100 families and is growing. I had to create this group as I realised after many conversations, particularly following the fires earlier this year, that so many ordinary people and families in our area felt passionately that there needed to be urgent action on climate change.

20  
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We are intensely frustrated by the lack of leadership and clear direction on climate change action in this country. Many of us felt helpless as individuals to make a difference. So now through Our Blue Dot, we are working together to do what we can in our own lives and in our community to make a difference towards reducing greenhouse gas emissions. This is my first time making a submission like this but we in Our Blue Dot felt strongly that we wanted to have our voices heard on this issue. Climate change is something that will affect all of us and all of future generations. Our Blue Dot is made up of ordinary families that are concerned about the insecure future that we are leaving for our children and grandchildren. We are facing the sixth great extinction and it is man-made.

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As such, coal mines with their inevitable production of greenhouse gases affects all of us and the Russell Vale Coal Mine is on our doorstep. Of deep concern to us is the fact that the Russell Vale Mine is what is known as a gas seam mine with a – production of large amounts of methane, a potent greenhouse gas. As a doctor my foremost concern is for the health of my patients in my community. Climate change is the biggest threat to the health and security of the people of Australia and it will be the poorest and most vulnerable who are worst affected. I feel that the evidence supporting the fact that we are headed towards irreversible and devastating climate change is so overwhelming and undeniable that I do not need to repeat the facts here myself.

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45

Climate change will affect my own coastal community and, indeed, already is with rising tides having eroded the land away from under houses in Collaroy over recent years. As a GP, I have the privilege of talking to people about their mental health. A common theme for young people that I talk to is depression, often centred on a sense of hopelessness about the future. Climate change is an often cited, overwhelming concern for young people. The northern beaches and, indeed, Avalon where I live has an inordinately high youth suicide rate. It is truly horrifying. From the many conversations with young people that I have had, I feel the threat of unmitigated climate change is impacting the mental health of our youth. Indeed, the inaction on climate change is impacting the sense of wellbeing of many people in my community.

I feel that this sense of distress – of psychological distress that many ordinary Australians feel about climate change and Australia’s inaction on climate change is vastly underestimated. A large part of the distress is also caused by a feeling, whether rightly or wrongly, that our so-called independent public institutions cannot be trusted to be truly independent. We at Our Blue Dot have concerns about the adverse impacts the extension of this coal mine will have on Sydney’s water catchment and we support the submission made by the Protect Our Water Alliance, in particular that mining beneath the Cataract Reservoir is deemed high risk.

We believe it would be incredibly reckless to risk the water supply of five million people of Greater Sydney. With this in mind, it is of grave concern to us in Our Blue Dot that the Wollongong Coal majority owned by a company facing – is – is majority owned by a company facing criminal corruption charges in India. It is of grave concern to us that the company’s Wongawilli Mine in New South Wales was deemed to be unsafely operated by the New South Wales Resources Regulator. As a doctor, I also have concerns about the effects this coal mine will have on the health of the proximate Illawarra community. To shift the coal between Port Kembla – the Port Kembla, the truck movement required will be every two minutes, six days a week, generating coal dust and diesel air pollution.

This increase in air pollution will cause an increase in respiratory illness such as asthma in the local community. We at Our Blue Dot are also concerned that this mine will put the Illawarra and surrounding populations at increased risk of bushfire. The draining of ground and surface water caused by the mining in the area – in the Cataract Reservoir and the heavily forested Illawarra Escarpment and the Woronora Plateau will make it far more prone to bushfire risk. We believe that this increasing bushfire risk for the people of the Illawarra and surrounding regions is unacceptable and unethical.

MS McKELVEY: I’m sorry, Dr Scamps, I’m going to have to interrupt you there

- - -

DR SCAMPS: Okay.

MS McKELVEY: - - - because we’ve run out of time.

DR SCAMPS: Okay.

MS McKELVEY: I note that you've got some notes there. If you wouldn't mind making those as a written submission to the Commission, that would be greatly appreciated.

DR SCAMPS: Okay. Thank you.

MS McKELVEY: Thank you for your submission.

PROF CLARK: Thank you.

MS McKELVEY: Our next speaker is Gary Caines from the Peoples Indigenous Corporation. I understand that Mr Caines is on the phone.

MR CAINES: Yes, I am. Can you hear me?

MS McKELVEY: Yes.

PROF CLARK: Yes.

MR CAINES: Thank you. I believe the Commission, on behalf of the government, need to be made ..... in the process and further to that, I – I hope to do well in that capacity. I bring an Aboriginal voice representing Aboriginal interest in Australia. There's a general policy with regards to natural resources and it's please ask first. We were asked somewhere in between in the matrix on limited specifics to do with heritage. It is on our country, the development, and we can fit into many more boxes of the development matrix and we had an opportunity in the past. Ask First Aborigines. Sovereignty. The ..... to clear ..... is ..... and the STL team, Southern Tribal Original Peoples' premises were spanning up from country are solid and I have been an advocate of that through conventional Aboriginal ..... industry business for a long time ..... and it includes Sutherland Point and the matter of coal at Sutherland Point in sacred ..... I have spoken impromptu, and I do say again today, as I did so five years ago when the PAC, Planning and Assessment Commission was the interim or second-stage arbiter of decision, and in autocrinous way as to what is Avalon country, what is acceptable on country and what is given consent.

Consent or not, in the past or in this situation has been employed. And may I ask, with respect, I have been the ..... of the coal measures back in 2004 on behalf of Illawarra Peoples, the ..... as it was at that time, and I have been abused since then, and it still matters. Myself aside, and we all have problems in our communities, but the Aboriginal community has worked hard to ostracise myself and my voice and my claim. And there has been a Coal Compensation Board in place dealing with the Illawarra coal matters, promising to give recognition and acknowledgement that we are owners of coal, as Aborigines.



Michael Beresford, the State Land Council, years ago advocated on behalf of that, and it is unfinished business, as much as unemployment itself is and the local and wider native title question. Mr Mundine was invited up to country several years ago by a presiding custodian, who's now not with us or ..... but still has the privilege of  
5 being the consultant person by the ..... place, which includes the Local Aboriginal Land Council, which is the current owner of Tongarra Mine in Shellharbour, and had many opportunities to influence policy, participate in engagement, and have not done so ..... and continues till this day.

10 As of unfinished business, yes, Sandon Point is, with respect to the ..... and its – the ..... things under or over tables negotiations and participation. It is not a fit and proper body, as a person or a body itself, nor is the South Coast People's Native Title Claimant Group, who have no makeup to which purported the ..... of being the registered native title claim. The ownership of the resource, the coal itself, is an  
15 element in the landscape. We have survived. We have sovereignty. I speak in that space. I would like to not – I promise there will be a legal argument based on ..... principles, including ownership, so then stewardship and the custodianship too.

And there's not a fit and proper ..... at the moment, as has been seen, and a long track  
20 record of the natural resources and the mining measures in New South Wales. There have been bad people doing bad things, very unfit and not proper people, and in the absence of another, I propose to stand my ground and speak up for the survivorship in ..... I'd like to leave time for questions. I haven't heard a bell. I could keep talking about many aspects in the matrix of the subsidence measured time and time  
25 again. We've heard people like Strata Control Technology, people like Winton Gale who forecast measures that do not hold up.

The predicted subsidence, the tilt, the warp of the upper surfaces is real, and I can go on for a number of times, and it persists now. SCT and Mr Gale are underrating the  
30 science and technology and the mathematics about an exploration to discover results after extraction, "It didn't work out. It's a mess," and then no capacity and willingness to be innovative. That was ..... with others that ..... innovative about the extraction of the resource and minimal harm. I commend – the mayor of Wongawilli intends to start again on first workings that they had recommended, and would the  
35 Commissioner please consider asking myself a further question.

PROF CLARK: Yes.

MR CAINES: Thank you.  
40

MS McKELVEY: Mr Caines, it's counsel assisting here instead. I do have a question that you raised in respect of the ownership question. Would you mind clarifying precisely what you mean by that. There's a current claim in terms of native title, did you mention?  
45

MR CAINES: I was a registered ..... but it's a bogus situation. It has no substance. It has makeup. It has a ..... presents itself. Maybe the children could be here now. It

has a newsletter and a proposal for ACH Management. The ACH Management is before Parliament with the Aboriginal cultural heritage there, and it's still waiting at the moment, and it is flawed. The Local Land Council have no credibility, nor do any of the RAPs, Registered Aboriginal Parties. There's something else in the way that's hindering the collective unity and stymying the Aboriginal voice. But I'm here to rise above that, and as I said, as a claim under the Coal Compensation Act, I make claim for that myself, as I did in the past on behalf of others, my mother, my father, my son and my daughter.

10 MS McKELVEY: Thank you, Mr Caines. That answers my question.  
Commissioners?

15 PROF CLARK: There are no further questions from the Commissioners. Thank you for your submission, Mr Caines. If you don't have anything else to say, we'll move onto the next presentation. It's from Felicity Davis, who is from the Pittwater Knitting Nannas.

20 MS DAVIS: Good morning. Sorry, good afternoon, and thank you for allowing me to have a say in this. I must say that I liked the message on the bottom of your email. It says:

*Please consider the environment before printing this email.*

25 Well, I hope you do the same before approving this mine. The simple fact is that we cannot mine any more coal due to the need to reduce our CO<sub>2</sub> and methane emissions, which are causing terrible extreme weather events that we experienced last year. More than one billion land animals, birds and reptiles are estimated to have been killed, although I now hear it might be up to three billion. Many endangered species have lost a high percentage of their habitat, up to 95 per cent in one case, the Kangaroo Island dunnart, placing their futures in a perilous state. Fires have so far  
30 burned as much as 10 million hectares of land. We just cannot go on doing this, otherwise we will not have any trees or land left soon.

35 Also, we are the driest country in the world, and yet we're stupid enough to allow coal mining underneath our water catchment areas, when it's such a precious thing. We should never have been allowed to do this, supplying drinking water for the whole of Sydney. Also another excuse for coal mining seems to be that the people say we need it for steel making. Well, I've got news for you. We do not need coal to make steel. There's a wonderful lady called Dr Veena Sahajwalla from the  
40 University of Sydney – sorry, New South Wales, and she has perfected a method of making steel using old tyres and plastic waste, which is wonderful because we get rid of two bad things. Also, it doesn't produce carbon dioxide, I understand, because it burns so hot that it doesn't even give off carbon dioxide. So it's a wonderful win-win situation, and we do not need to mine coal for this.

45 Also, the Wollongong Coal Company I see is a very dysfunctional company. They are a billion dollars in debt. They have no income. It's facing criminal corrupt

challenges in India. Hasn't paid corporate tax since 2013. It hasn't been mining coal since the New South Wales Resources Regulator ruled it was not being operated safely. Has been convicted in India for failing to pay annual rental fees and administrative levies. They're facing criminal corruption charges in India too. It's  
5 been fined and issued orders by multiple agencies for poor maintenance and operation of infrastructure, failing to hold community consultative meetings. Fined for polluting Bellambi Creek and for stockpiling 200,000 tons of waste coal.

10 Now, we must have rocks in our head if we let this go ahead. If we let a company like that (a) mine coal, and (b) in our water catchment area, it just seems to me absolutely unbelievable we should even be considering it. And I would also like to – I don't know if you've seen the latest David Attenborough film. It's absolutely wonderful, and at the end he says:

15 *Right now we are facing a man-made disaster on a global scale. It is our greatest threat in thousands of years. If we don't take action, the collapse of our civilisation and the extinction of much of the natural world is on the horizon, and the longer we take to deal with it, the more difficult and expensive it will be to do so.*

20

So I plead with you, please do not allow this mine to go ahead for the sake of our children, the sake of our futures and for the sake of the world. Thank you.

25 MS McKELVEY: Thank you, Ms Davis.

25

PROF CLARK: Thank you, Ms Davis.

MS McKELVEY: I don't think there are – are there any questions?

30 PROF CLARK: No. No, there's no questions, thank you.

MS McKELVEY: Thank you so much. We'll move onto the next submission. It's from Kaye Osborn from Protect Our Water Alliance.

35 MS OSBORN: Thank you. I'd like to share my screen, if that's okay.

PROF CLARK: Sure.

40 MS OSBORN: Okay. Is that shared there?

40

PROF CLARK: It is. Thanks.

MS OSBORN: Thank you. So I'm Kaye Osborn, and I live about one block from the Russell Vale Mine. I'm speaking today on behalf of Protect Our Water Alliance.  
45 My house is somewhere south of the colliery, as pictured in this particular image here. Protect Our Water Alliance or power is a Wollongong-based grass-roots

organisation which is determined to protect the greater Sydney water catchment from the damage and degradation that is being caused by mining.

5 Now, we maintain that the special area should not only be off limits to the public, but also protected to the centre of the earth from extractive industries. And we've had a number of events to educate people and to raise awareness of impacts of mining on the Sydney water catchment. Pictures of just some of them you can see here. Today I'd like to talk about, firstly, subsidence, swamps and mineral mining, secondly, the risks of triple C mining, and thirdly, a bit about my experience as what I've seen as a  
10 neighbour of Wollongong Colliery, and finally, the costs to the community and the environment.

So on Friday I was an observer on a site visit to the colliery and dam water catchment. Thank you very much for the opportunity to participate as an observer in  
15 this site visit, however, I was surprised when we were taken to an intact swamp in the catchment itself. I've been on a number of informative visits to the mined areas of the special areas and clearly have seen the impacts of mining, including subsidence, upsidence, cracking, metal staining of water and dried-out swamps.

20 Viewing swamps before and after mining is particularly eye opening, and we saw none of this on Friday's site visit with the IPC Panel. The swamp that we visited was actually down on the east side of Mount Ousley Road, whereas the swamps on the west side of Mount Ousley Road where there is clear impacts. Longwall 4 caused – so, in particular, in relation to ..... which I'll talk about in a moment. So longwall 4  
25 caused subsidence of 1.4 metres, even though it was predicted to only subside 30 centimetres. It caused cracking to the surface and die off of the vegetation. You can see this in the photos here, which are from the ..... for independent ..... available on the Wollongong Coal website.

30 Here's some more pictures of the damage. While the majority of the project is bord-and-pillar mining, 25 metres of longwall 6 will need to be mined as part of this project that we're discussing today in order to retrieve the longwall machine that Wollongong Coal abandoned. The Department of Planning has failed to address this longwall mining in its final assessment report. This longwall is a part of the project,  
35 and the department and the proponent should give due consideration to this as it has potential for damage to the catchment and specifically to the endangered upland swamp CCUS4, which will surely be impacted by the longwall mining. The mining at longwall 4 even caused cracking of Mount Ousley Road, which has also been well documented.

40 So it's particularly concerning that this has not been addressed in the department's final assessment report, particularly concerning, given Wollongong Coal's record with longwall mining. And this record includes subsidence of longwall 4, which was five times the predicted level, and anticipated cracking to this and the failure of the  
45 proponent to commence water impacts monitoring by installing the piezometers until after the mining of longwall 4 was completed.

I'd like to now talk about triple C mining. We know that the effects of triple C mining are difficult to predict, and Russell Vale is the only mine in the southern coalfields to attempt it. The impacts of longwall 4 prove that triple C mining is too risky for an area of such strategic importance. It doesn't matter whether it's bord-  
5 and-pillar or longwall. We can see that adaptive management approach and types to the actual response plan have failed to protect the catchment, and yet we heard this morning from the Department of Planning's speaker, who said that they are aware of the risk of the pillar collapse in the Bulli ..... and, therefore, aware of the potential for much greater subsidence than is expected.

10 But as the mining progresses, he said we will get more information about pillar subsidence. They don't actually know the status and integrity of the pillars, but they're going to work this out as they go along mining. This just has failed. This mine should not be approved. This is the greater Sydney water catchment, the water  
15 supply for the largest city in the driest inhabited continent on earth. This is not the place for an experiment in triple C mining carried out by an under-resourced, seriously indebted, serially non-compliant and technically challenged ..... mining company. The outflow from the adit we are told will commence in 2057 and will continue perhaps in perpetuity. We're told that this project will delay the adit  
20 discharge as though this is somehow a blessing that we should be thankful for.

This is my fifth PAC or IPC hearing for Russell Vale Mine. I know I need to get more hobbies. And we have never before heard of this outflow from the adit. It is clearly a problem that wasn't foreseen by all the experts and consultants that had  
25 advised on the Russell Vale Mine Expansion Project since it was first proposed over a decade ago. What else will emerge as an unforeseen consequence of this latest project? We are aware that the IPCs decision is guided by the EP and A Act, not the Mining Act, and that the fit and proper test is a part of the Mining Act. Nonetheless, Wollongong Coal's record of mining compliance and their financial situation  
30 suggests that they never actually deliver on the benefits that the Department of Planning claims will flow from this project.

I'd like to speak next about costs to the community and the environment. If this project goes ahead, there'll be significant costs for our local community and an  
35 escalation of degradation of our water catchment. There will be a cost to future generations long after Wollongong Coal is gone. And let's be honest, Wollongong Coal is majority owned by a holding company in Mauritius, and this and their withdrawal from Western on the east suggests strongly that Wollongong Coal is not here for the long haul. It will flow to future generations of taxpayers in the State of  
40 New South Wales to manage and treat the mine's outflow from the escarpment.

Benefits will be minimal, and these will be outweighed by, firstly, cost to public health from the operation of a colliery in a residential area and in my community, negative impacts on the environment and on biodiversity, greenhouse gas emissions  
45 and contribution to acceleration of global warming, degradation of the water catchment, surface and groundwater loss and increased bushfire risk to the Illawarra Plateau and escarpment. There are a number of inaccuracies in the section from

economic benefits. And, for example, Wollongong Coal has never made a profit and, therefore, never paid company tax.

5 Jobs are also consistently overestimated and under-delivered, from experience of past proposals. We requested a commercial, independent economic analysis of this project, and so the department's assessment report is misleading in overestimating the benefits. Furthermore, we don't see evidence of implementation of the Planning Minister's announcement for net gain for the metropolitan water supply in this proposal. Where is that? There will be millions of litres of water lost to the  
10 catchment.

So in summary, Wollongong Coal has had its chance to show that they could mine responsibly and meet conditions of their approval, and they failed. If this is what we, as local residents, see down here at the pit top, what is happening in the special areas  
15 where there is no public scrutiny? This company has no social licence. They cannot be trusted to mine safely in the protected special areas. They cannot be relied upon to comply with conditions of approval. They are unlikely to deliver on the supposed benefits of the project, and Protect Our Water Alliance urges you to refuse this project.

20 PROF CLARK: Thank you, Ms Osborn. We do have a couple of questions for you. I'll start with Peter.

25 DR WILLIAMS: Thank you, Ms Osborn. On the site inspection last week we saw a swamp on the eastern side of Mount Ousley, and you've given us evidence this afternoon of a swamp on the western side. From your experience or knowledge, how extensive is that type of subsidence in swamps to the west of Mount Ousley under longwall mining? You've shown us one example. Is that one of many, or what sort of subsidence are we looking at on the western side?

30 MS OSBORN: So I only have access to information from the interpanel reports, which are published on the Wollongong Coal's website. So there was extensive subsidence and cracking, which has – you know, they photographed it in their reports on their website from longwall 4. Longwall 5 I believe was less so. Longwall 6,  
35 which has begun and will be continued under this project, another while they get their longwall machine out. The interpanel report has been withheld from that because we have been told that the panel is not actually completed yet, so they can't have an interpanel report.

40 My concern is that, you know, this is withholding information which could inform a more responsible assessment of damage to the water catchment that has occurred in that area. There are extensive impacts from mining across the mining lease that we are talking about, Wollongong Coal's mining area, resulting from multiple – decades and decades of mining. That area that I showed is still moving from – as a result of  
45 the previous mining. It's called the limited equilibrium. So it's still in the process of moving. It hasn't even settled yet, and we're talking about the next lot of mining.

PROF CLARK: Thank you.

DR WILLIAMS: Thank you.

5 PROF CLARK: I have a question. You mentioned that you live near the colliery, and I guess alluding to impacts that you've experienced. And my question is do you think that the conditions that are outlined by the department will address or mitigate some of these impacts that you've experienced. Can you speak to that?

10 MS OSBORN: Yes, certainly. So, no, I don't believe that they were addressed and will mitigate the impacts of the colliery being there. I think they are inadequate. And then you saw on Friday at the colliery just the state that the colliery is in, the enormous quantities of exposed coal everywhere, which is just this enormous surface area. And we didn't even see the placement area, the Russell Vale placement area  
15 next door. It created an enormous area, which when the winds blow over, it creates a huge amount of dust which affects our local community.

I don't believe that the conditions are adequate. I don't believe that Russell Vale is an appropriate place for a colliery in the year 2020, and I also do not have any faith  
20 that Wollongong Coal will deliver on any conditions that the Department of Planning has stipulated.

PROF CLARK: Thank you, Ms Osborn. There are no further questions from us.

25 MS McKELVEY: Thank you, Ms Osborn. We'll move onto the next speaker. It's Adam Barnett – sorry, Adrian Barnett. I apologise. I'm sorry, Mr Barnett, I've just lost my note of where you are from. You're from Promoting Illawarra Employment.

30 PROF CLARK: Mr Barnett, we cannot hear you. Could be that you are on mute.

MS McKELVEY: The perennial 2020 problem.

PROF CLARK: No, we still cannot hear you, sir.

35 MS McKELVEY: I've just been told it could be your headsets, Mr Barnett, because you have unmuted yourself, apparently. But if you could unplug your headphones, maybe that may assist.

40 MR BARNETT: Yes, can you hear me?

MS McKELVEY: Yes.

PROF CLARK: Yes.

45 MR BARNETT: Okay. Right. Thank you very much. Okay. And we're about employment. So have you lost your job through retrenchments, at an end of a project or a business collapse. The uncertainty caused by job losses have some new

ramifications through our community. The present COVID pandemic was a great example. Emotional stress is a novice. The UEP by Russell Vale gives ..... of employment to our local community due to workers many skills and competencies, for which they have been trained and educated in.

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There's about 200 employees and their families who will directly gain security through employment and a future for our community. So some basic numbers. We have 200 jobs at Russell Vale, another 800 jobs in supporting businesses. We're looking at about 1000 jobs, so an average of about four people per family. You're looking at about 4000 people which will be directly affected by this application. So what is 4000 people look like? It's about the capacity of the northern stand of the WIN Stadium here at Wollongong.

Many others in our community are under-employed. The self-employed, the small businesses, the suppliers and services consumables and equipment are all struggling to keep afloat, thus, money is not going back into our community to allow our community to grow. These business owners are looking for work. Unfortunately, work is not always out there for them. The success of this UEP application will have a positive effect on their businesses, employees and the community.

20

Mining is often a family affair. Many parents work with their families, siblings working alongside each other, and they're all wanting the same goal, building a strong community through employment. When Russell Vale Mine went into ..... many families had to move out of the area to find employment, causing stress within those families and workers. These people wish to return to the Illawarra. Our quality of life depends on a strong and employed community. UEP supports these ideals. Many local residents are in support of a Russell Vale UEP.

We speak to many of our locals at our local sporting fixtures, clubs, shopping centres and coffee shops, and they're all wanting to know when Russell Vale Mine will start production, and ask why so many people who do not – are part of our community are opposed to the continuation of the South Bulli and Russell Vale Mine. We can only suggest those who oppose the UEP have other agendas and are not willing to listen to professional advice.

35

Many may think mining in the catchment will be the end of the world. We had the same argument about 40 years ago when old Bulli Mine mined under the catchment, and South Bulli ..... headings were under the dam, yet the dam is all but at full capacity. Water has not flooded the local area, and the world did not come to an end. Many may think coal trucks should not be on Bellambi Lane. This cargo ..... has been used to export coal from the mine, starting with Bellambi Jetty. The Melbourne distributor designed a belt for heavy loads. It was extended to Bellambi Lane.

The little narrow single-car lane was expanded in the nineties to reduce the traffic through Corrimal and Fairy Meadow. In the eighties and the nineties South Bulli Mine regularly exported two to three million tons of coal each year. Many may think that coal mines should not be in the northern suburbs of Wollongong and so close to

45



houses and schools. History shows mining started as part of the escarpment in the 1940s, with a new mine port constructed in 1887, and the community has worked, lived and built around the mines since that time. And as a proud resident of Wollongong of sixty three and a half years, we support the UEP. Thank you very much.

PROF CLARK: Thank you, Mr Barnett. There are no questions from the Commission at this stage. Thank you for your presentation. We'll now break for lunch, and we'll be back at 2.10. Thank you.

**ADJOURNED**

**[1.34 pm]**

**RESUMED**

**[2.13 pm]**

MS McKELVEY: And welcome back to the public hearing that's being undertaken in respect of the Russell Vale Underground Expansion. We'll move onto the next speaker. Rada Germanos is from Doctors for the Environment Australia.

DR GERMANOS: Hi there. So my name's Rada Germanos and I'm representing Doctors for the Environment Australia or also known as DEA to voice DEA's objection to the Wollongong Coal Russel Vale Revised Underground Expansion Project. I appreciate the opportunity to address the Independent Planning Commission today and I thank you for your time. I'm a general practice registrar. I was raised on Dharawal Country in the Illawarra and worked in the Illawarra Shoalhaven local health district for three years after completing my medical studies. I currently work with people experiencing homelessness in inner Sydney on Gadigal country.

Doctors for the Environment Australia asserts that human health is inextricably linked with the health of the environment. The proposed Russell Vale Mine Expansion Project will harm the health of the community and it will harm people in different ways, furthering forcing existing inequities in health and wellbeing experienced by individuals and communities in the Illawarra. There are many negative health impacts that will result from the Russel Vale Expansion if approved, but given the limitations of time, I will consider three particular impacts: aboriginal cultural heritage destruction, air pollution and greenhouse gas emissions.

So firstly, turning to aboriginal cultural heritage destruction. Wollongong Coal's revised underground expansion project proposal document considers aboriginal cultural heritage only in passing. It's incredibly difficult to find information of any worth relating to aboriginal cultural heritage in this document. Table 5.1 in the UEP states that several aboriginal heritage sites have previously been identified within the UEP area. These sites are mainly associated with rock shelters in sandstone cliff

formation and grind and groove sites on upland sandstone outcrops. There is no further information. These sites are very vulnerable to subsidence related damage.

5 Media stories in the recent weeks have described the damage to Whale Cave, a site within the Illawarra Escarpment area known for its extensive rock art and estimated to be 6000 years old. It is believed that Whale Cave was irreparably damaged by bord-and-pillar mining at the ..... Colliery in 1979. It is now being held up by wooden posts but the real wall of the cave is continuing to collapse. It is believed that there are as many as 4000 aboriginal cultural heritage sites across the Illawarra  
10 Escarpment. It is no comfort that Wollongong Coal believes that its bord-and-pillar mining method will not damage cultural sites within and adjacent to the UEP area and it is ..... so lacking in detail about where these sites even are.

15 Destruction of cultural heritage is – is part and parcel of the ongoing genocide and dispossession of aboriginal peoples on this continent. As I'm sure the Commission is well aware, aboriginal people die, on average, eight years younger than their non-aboriginal counterparts and those with mental illness and suicide are astronomical compared to the rest of the population. An approval of the Russel Vale UEP will be complicit in the ongoing cultural genocide of aboriginal peoples, the destruction of  
20 invaluable country and history and contributes in very real terms to the ongoing poor health outcomes for aboriginal people in this continent.

Turning to air pollution. The Russel Vale Colliery is the closest mine to a suburban area in Australia. Homes within 300 metres of the coal stockpile and schools and  
25 preschools are within 100 metres of the stockpile as well. There is extensive medical literature detailing the strong links between PM2.5 and PM10 pollution and a host of health conditions such as cardiorespiratory disease, cerebral vascular disease and cancers. It is clear that there is no level of PM2.5 or PM10 exposure that can be considered safe and indeed, the cumulative exposures to this particular air pollution  
30 has an adaptive damaging effect on health. Indeed, one of the Public Health Association of Australia's key policy position is that there is known – no known absolute safe level for inhalation of particulate matter so population exposure should be minimised.

35 The Underground Expansion Project proposes two new stockpiles, bringing the total to three as well as an onsite coal processing plant and 32 coal trucks an hour transporting the coal through various residential areas, from Russell Vale to the Port Kembla Coal Terminal. It is admittable in the UEP document that the contribution of the 32 trucks an hour to the air pollution along the transport corridor has not been  
40 considered in modelling. Articulate pollution from diesel engines is a notable carcinogen with demonstrated links to bladder and lung cancers. It is also unclear what whether conditions were considered in the modelling of PM2.5 and PM10 concentrations in section 6 of the UEP. Anyone who lives in the Illawarra knows that the region is often very windy, especially in the northern suburbs where the  
45 Russel Vale Mine is located. It is unclear what the spread and concentration of this particulate pollution will be during windy weather. The ambiguity is especially concerning as there are predicted to be exceedances of the 24 average PM10

criteria of the north of the Russel Vale site and we do not know how the wind will affect these air pollution levels.

5 It is clear that the air pollution from the Underground Expansion Project will harm the health of the communities living near the mine and along the trucking route. There is no safe level for inhalation of particulate matter. These harms will disproportionately affect the already vulnerable, the very young, the very old, pregnant people and those with pre-existing health conditions. Approval of the UEP will result in health outcomes and deepen health inequalities in these communities.

10 And turning finally to greenhouse gas emissions. The UEP estimates that a total of 11,147,000 tonnes of CO2 equivalent will be generated over the five year life of the mine. This is comprised of 1,523,000 tonnes of scope 1 and scope 2 emissions and 9,624,000 of scope 3 emissions. If approved, the Russel Vale Mine will be one of the top 100 emitters of scope 1 emissions in Australia. The Lancet Commission in 15 2009 declared that climate change is the biggest health threat of the 21<sup>st</sup> century. The 2019 report of the Lancet countdown on health and climate change described these issues much more eloquently than I can, so I will quote from this paper. They describe:

20 *A child born today will experience a world than is more than four degrees warmer than pre-industrial average, with climate change impacting ..... and adolescence to adulthood and old age. Across the world, children are among the worst affected by climate change. Through adolescence and beyond, air pollution, primarily driven by fossil fuels and exacerbated by climate change, damages the heart, lungs and every other vital organ with total global air pollution deaths reaching 7 million in 2016. Later in life, families and livelihoods are put at risk from increases in the frequency and severity of extreme weather conditions, with women amongst the most vulnerable across a range of social and cultural contexts.*

30 And finally, although difficult to quantify, the downstream risks of climate change such as migration, poverty exacerbation, violent conflict and mental illness affect people of all ages and all nationalities. Furthermore, climate impacts will not affect everyone equally. To quote the Lancet again:

35 *By undermining the social and environmental determinants that underpin good health, climate change exacerbates social, economic and demographic inequalities.*

40 The argument that the Russell Vale Mine will contribute only a small proportion to the overall greenhouse gas emission balance of this country and is therefore permissible is a fallacy. There is an overwhelming amount of evidence to demonstrate the immediate need to make drastic cuts in greenhouse gas emissions to avoid widespread devastation to human societies and the biosphere as a whole. To 45 approve the UEP would be denying an immense body of scientific literature and to disregard the contribution of each and every project the to the overall picture of

greenhouse gas emissions. To approve this project is to endorse climate related harms to our communities and to signal that the community's health and wellbeing is a secondary consideration in the face of resource extraction.

5 The Russel Vale Mine Underground Expansion Project Proposal poses clear harms to the health of the communities of the Illawarra and beyond. Doctors for the Environment Australia steadfastly oppose this project and we ..... thousands of individuals set to suffer the lifelong health impacts that Wollongong Coal Operations will deliver to the region.

10

MS McKELVEY: Thank you, Ms Germanos. We have one question. Chris.

PROF FELL: Thank you. Doctor, you mentioned that there was no safe level of PM2.5 particles. I'm conscious that the EPA has relatively recently moved to a tighter specification, and that is being called for in this present project. I wonder if you could clarify that for us.

15

DR GERMANOS: So my understanding is that the EPA's recommendation is not necessarily placed on a health recommendation. The health literature is very clear that there is no acceptable safe level of particulate pollution exposure. Any level of exposure harms health.

20

PROF FELL: Thank you.

25 DR GERMANOS: Thanks.

MS McKELVEY: Thank you, doctor. Peter, do you have a question? No. Thank you. Thank you, doctor.

30 DR GERMANOS: Thank you.

MS McKELVEY: Thank you, Dr Germanos. Our next presenter will be Alan Beal.

MR BEAL: Hello. My name is Alan Beal. I'm the Chief Operating Officer for ..... industries. My five minutes or three minutes is not going to be as formal as the last presenter. I just wanted to run through just how we would like to support the Russel Mine going forward and a little bit of history between Russel Vale – with Russel Vale of the past 15 years plus we – we have serviced to the mining industry. We overhaul mechanical equipment. Over the last 15 years, they've really been beneficial to both parties, this relationship. But we've only supported our business ..... over the years ..... working with us and they provide new models of equipment. And our OEM equipment that we've – taking it to the next generations and ..... been purchased for Russel Vale.

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45 Where we see an advantage to us in particular but employment in New South Wales in particular is the ongoing support that we see from Russel Vale and the support to them ..... work coming through our workshops and we – we can see that if it goes

ahead, there's going to be tenures going out for us to ..... competitive tenures that we should – you know, if we were lucky enough to win the ..... employment. If the mine goes ahead and we overhaul the equipment from Russel Vale and we'll be employing more people that are ..... in New South Wales. And I'm sure that this has a follow on effect to the – to the rest of the area down there from an – from an employment point of view.

Just a little bit about my background. I've worked in mining industry for the last 50 years. So I started when I was 15 and worked my way up. My last job in the mining industry was a project manager of a new mine, so I'm fully aware of what Russell Vale are trying to do and trying to achieve. I just want to say that from an industrial point of view and certainly from a company's point of view, I can 100 per cent ..... their endeavours.

I don't know if there's any questions you'd like to throw at me but - - -

MS McKELVEY: .....

MR BEAL: - - - there you go.

MS McKELVEY: Thank you, Mr Beal. Are there any questions? There's no questions. Thank you very much for your submission. The next presenter is Tassia Kolesnikow from Sutherland Shire Environment Centre.

DR KOLESNIKOW: Hello. Thank you for taking me out of order. I have some technical issues on my end. So first of all, I'm Dr Tassia Kolesnikow. I'm the second person to be speaking on behalf of the Sutherland Shire Environment Centre and we've been representing ..... not for profit community organisation. That's been around for about 30 years and our main purpose is to enhance and preserve the character of our shire and the surrounding bioregions.

So just to state clearly on behalf of the environment centre, we're urging you to reject this project based on the following concerns of our members. And I'd like to elaborate on each just briefly. So the greenhouse gas emissions, which of course will exacerbate climate change, the risk to water quality and increased bushfire risk. Now, we feel very strongly that there has been an overall failure of the approval process to factor in these concerns and that there is a perceived lack – so not just from ourselves, but as a whole in our area, a perceived lack of independence of mining experts that weigh in on these projects. So just bear with me a moment. I'd like to share just a few slides so I will put that up.

So this, of course, is not Russel Vale that I'm representing here but it kind of sets the scene for why I'm expressing that our residents are concerned about what approvals have been put through. So our organisation – this is the picture of the ..... if you ask - - -

MS McKELVEY: .....

DR KOLESNIKOW: - - - that goes into our local - - -

MS McKELVEY: Sorry, we can't see - - -

5 DR KOLESNIKOW: Sorry.

MS McKELVEY: - - - ..... having some difficulty - - -

10 DR KOLESNIKOW: Yes. Let me see. I probably have it screenshared so let me just do that.

MS McKELVEY: Thank you.

15 DR KOLESNIKOW: Sorry. I am so over zoomed out. I don't know ..... rest of you. I should be able to do this really easily. So what do I do here. I need to – remind me where I go first .....

20 MS McKELVEY: What – at the bottom of the screen, there should be a share screen button.

DR KOLESNIKOW: Yes, I see it.

MS McKELVEY: Unzoom.

25 DR KOLESNIKOW: Yes. Share it.

MS McKELVEY: Perfect.

30 DR KOLESNIKOW: Thank you. And then let me go to my presentation. Okay. There we go. So this is a picture of subsidence. Of course, this is maybe not as much of an issue with Russel Vale doing the pillar mining, so not doing longwall mining. But what it is illustrating is the lack of being able to properly assess what might happen with mining projects. So - - -

35 MS McKELVEY: So doctor, is this a photo of the Russel Vale area or of a different area?

40 DR KOLESNIKOW: No, this is a photo of the water ..... that goes in ..... mining catchment. So it is an illustration of how risks are not being properly assessed. That's why I'm showing it. It's also an illustration of how mining companies are allowed to do damage first and it's basically not a risk to water or not being taken into account sooner. So as a – as a consequence of concerns, the key body mine which again, is not Russel Vale. The metropolitan mine that they expanded, we had a petition with 10,700. It was a hard copy petition, you may have heard of it. It was  
45 presented to State Government and it was signed by local residents who were very concerned about drinking water and it impacted drinking water. We met with Mike Young, who I understood was going to present that we had ..... today, but he didn't.

We discussed our concerns that ultimately, approvals were given by our government for this project before that petition was even debated in parliament. And when it was debated, the MPs who were asked to speak up against it were silenced. Sorry, who were going to speak up against it.

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So I'm just using it to illustrate that, like the ..... this is yet another example of a system that we feel is being used to push – to oppose approvals that are not in the public's interest. So our back statements that were being made by Dorothy Babeck from the Climate Action Sydney Eastern Suburbs, I'm questioning the process. So I do also point out that a lot of these people being touted as independent experts have a very long history of consulting with mining companies. So they review mining documents and were paid to do so by these mining companies. So we are concerned that this is maybe not as independent as was being indicated.

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We also feel, as Greg Walker from our environment centre presented earlier, that the economic benefits are being grossly overstated compared to underestimating the residual costs and impacts on environment and society. So we feel that the risks are being – by legitimate stakeholders are being downplayed. So an example of this would be that at the beginning of this hearing, there was a summary that would – I think sort of indicated that Wollongong Council was completely supportive but yet we heard Cathy Blakey, one of the counsellors, expressing very serious concerns that she had. So it seems to be glossed over that people who have concerns don't really seem to be represented.

20

And then also illustrating this fact is that while it is New South Wales who also, at the beginning of this hearing was being to have, you know, no concerns, in their March '19 to the independent expert panel report on mining in the catchment – and we know that they have this statutory rule to protect and enhance the quality – this is an example of unenhanced quality in our ..... reservoir. So they have very strong concerns about this. They say there's strong evidence that the environmental consequences for mining in the special areas are greater than predicted. So this is a problem with predictions and yet the mining gets composed – the proposed mining approvals get approved. So it's a concern to our – to residents in our area that these approvals are being given and then if we have impacts on our water quality, then, you know, too bad. So I just - - -

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MS McKELVEY: I'm sorry, Dr Kolesnikow - - -

DR KOLESNIKOW: - - - .....

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MS McKELVEY: - - - but I'm going to have to cut you off there. I understand there was a question from the panel - - -

DR KOLESNIKOW: Yes.

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MS McKELVEY: - - - and we have obviously been very constrained with time today.

DR KOLESNIKOW: Okay.

MS McKELVEY: So if the panel would like to ask.

5 PROF CLARK: Thank you, Janet. Yes, we do have a question from the panel.  
Chris.

10 PROF FELL: Yes, it's just a clarification. You mentioned fire risk. Was that to the  
Sutherland Shire as a result of things that might happen in the mine site?

15 DR KOLESNIKOW: Sorry, fire risk, risk to water and risk to – sure, the fire risk is  
also exacerbated because surface water gets drained by mining. We've seen a lot of  
upland swamps be drained by Illawarra Mining projects. And so if that dries out that  
area to the south, yes, it does increase the fire risk to people in the shire.

15 PROF FELL: Okay. Thank you.

20 DR KOLESNIKOW: Does that clarify what you're asking? I might point out too  
that Graeme was supposed to have 10 minutes and you cut him down to five. So I  
know that you're stressed for time but if I could just then illustrate what it was that  
- - -

25 MS McKELVEY: He had the full 10 minutes, but I hear what you're saying. I  
appreciate that it's constrained but I can assure you - - -

DR KOLESNIKOW: Yes, okay.

MS McKELVEY: - - - he had the full 10 minutes.

30 DR KOLESNIKOW: No, I understand a lot of people are speaking. So if I go back  
to - - -

35 MS McKELVEY: Unfortunately, I know that – I know that you have the written  
materials prepared by your organisation. Unfortunately, if – unfortunately, we're out  
of time. So are we able to – I invite you to make a written submission - - -

DR KOLESNIKOW: Okay.

40 MS McKELVEY: - - - and of course, they will be taken into account. That's a  
statutory obligation of the IPC and I understand the concerns that have been raised.  
And as I – I understand that the Commission has well. But yes, I'm unfortunately a  
bit hamstrung. We've got 40 other people - - -

45 DR KOLESNIKOW: Sure.

MS McKELVEY: - - - to get through this afternoon so - - -



DR KOLESNIKOW: Okay. Well - - -

MS McKELVEY: - - - I apologise.

5 DR KOLESNIKOW: - - - thank you for fitting me in. I appreciate that.

MS McKELVEY: Thank you. The next speaker is Simon Nicholas.

10 MR NICHOLAS: Yes, good afternoon. My name is Simon Nicholas. I'm an energy finance analyst at the institute for MG Economics and Financial Analysis ..... before working at ..... I worked at Commonwealth Bank, Macquarie Bank ..... in Sydney and London. I would like to highlight some issues concerning the financial status of Wollongong Coal which raises doubts of its ability to operate as a going concern as highlighted by its ..... and to fund mining rehabilitation. We also raise  
15 some ..... doubts about the economic impact of this extension project and the resulting calculation of direct economic benefits to New South Wales.

So a summary of Wollongong Coal's financial position, it has made a billion dollars of losses since 2013 when Jim Dials was still in power – took over the company. It  
20 has negative equity of \$687 million including retained losses, down from 6 billion. With liabilities exceeding assets by almost \$700 million, the company is technically insolvent. A debt of over \$1 billion. The entire debt is classified of a current liability owing to the company's breaching of financial covenants. The company's current liabilities exceed its current assets by over \$1 billion and as such ..... again  
25 raise significant doubts ..... continue as a going concern in the latest audit reports.

Following its suspension from trading ..... after failing to adequately answer questions as to whether its assets were ..... value, the company recently delisted from the Australian Stock Exchange in order to reduce costs. The financial distress the  
30 company is showing raises the risk that the mine site will not be rehabilitated due to a lack of funds. In fact, the plan, as it stands, according to relevant polls put the mine into back into care and maintenance after the five year period of this extension plan is approved. Given the company's financial position, there is a risk of ..... maintenance indefinitely.

35 The likely success or otherwise of the proposed extension project may be informed by Jim Dial's track record at its other ..... column 1 ..... this may be particularly relevant, given that previous attempts to mine the Wongawilli Seam at Russel Vale largely failed to produce ..... coal. So Jim Dials ..... another company in coal mining  
40 in Mozambique. This is a project which was supposedly producing 10 million tonnes per annum of coal by 2015. However, in Jim Dials's last financial year, it produces only 2.5 million tonnes and one of mine coal. So actual product coal would be significantly less than that.

45 Furthermore, only 0.49 million tonnes of coking coal was produced at that project. So it would be hard to describe that project as a successful coking coal mine. Jim Dials ..... coal mining in South Africa, whose product is also sold into the

metallurgical coal market. This operation ..... business rescue until last November, according to Jim Dials's latest annual report. As such, it is perhaps unsurprising that there were reports in the evening press ..... Jim Dials was considering selling ..... mining operations.

5

So I think there are some doubts as to whether this will be a profitable project, and hence of its economic benefits. The fact that the company made massive losses during a time of higher coking coal prices over the 2016 to 2019 period raises significant doubts about its ability to make profits during a period of lower prices that we are in now and unlikely assist going forward. I'm going to briefly raise some recent developments that have had an impact on demand for coking coal going forward and hence have an impact on prices and which raises doubts about the total net producer ..... of \$40 million which makes up more than one-third of the identified direct economic benefit of the project to New South Wales.

15

You may have seen in the mid last week the news that – of China's banning of Australian coal imports. This is ..... have a negative but probably short-term impact on prices and mining profits in this country. But there are more significant ..... in Australia ..... and may also ..... China's monthly amounts target to reach net zero carbon emissions by 2060 which is a far more significant event. To achieve net zero, China will ramp up ..... even quicker and accelerate the development of clean steel technology that doesn't use coking coal.

20

Also, last week, the international emergency agency, IEA, released its latest annual world energy outlet report. This is a ..... report that is often ..... by the Australian Coal Industry as evidence of a growing future for coal. However, the coal industry's response this year has been more muted as the report highlights that coal mining ..... IEA back in 2018 and that the IEA expects it will never rise above pre-COVID-19 ..... its central scenario. This is a significant change in ..... in that array. In 2019, we didn't see COVID-19 ..... some time between 2025 and 2030.

25

30

So given the risk, there should be some vouchers as to how profitable this project will be in a lower demand environment. I will also say that even if the project does make a profit, there is doubt over how much of that will be attributable to New South Wales. In the economic impact statement, the direct benefit to New South Wales is \$117 million ..... 40 million net produces ..... attributable to New South Wales based on a 35.4 per cent New South Wales ownership of Wollongong Coal. This is a figure that was provided to ..... company. I don't see that there's any transparency over that calculation. However, as it is part of a legal dispute, Wollongong Coal is about to acquire and cancel the entire shareholder – of a shareholder report Bellpac Proprietary Limited. This is according to the company's latest annual report. Bellpac is the second largest shareholder in Wollongong Coal with a 26 per cent total. Now, this 26 per cent is presumably part of the 35.4 per cent – 35.4 per cent New South Wales shareholding. If that shareholding is to be cancelled, the actual New South Wales ownership is surely about to become far lower than 35.4 per cent, hence the direct benefit to New South Wales would be lower than indicated in the economic analysis.

35

40

45

I'll now turn to company tax. The \$117 million identified direct economic benefit to New South Wales includes 38.5 million of company tax payments. The company has made losses to over a billion dollars since 2013. It has very large losses to offset against any future profits. That will mean that it will pay company tax. The  
5 economic impact assessment that calculated the economic benefits of the project noted that its company tax payment ..... quote:

*Based on the assumption that the profit generated is subject to the company tax in Australia, for example, ignoring finance and costs.*

10 Noting that Cadence Economics stated the calculation is consistent with the guidelines, it seems like a poor assumption given the huge losses the company has accumulated, which mean it will not pay company tax on this project. I would suggest that a new economic analysis of the project is ..... which takes these issues  
15 into account.

So just to summarise, I would say a number of issues call into question Wollongong Coal's ability to fund the ..... of the mine sites and identify economic benefits of the extension project. And those are basically its track record in Australia with .....  
20 losses through periods of ..... now, its parent company's track record and its other mine projects outside of India, its current financial situation, technically insolvent with debts of over a billion dollars, the fast declining outlook for coal ..... the fact that in the event the project does make profits, the company's major losses can be applied to offset these such that it doesn't pay company tax and the fact that there is  
25 doubt over how much of any project surplus is attributable to New South Wales. Thank you for listening.

MS McKELVEY: Thank you, Mr Nicholas. Peter, you have a question.

30 DR WILLIAMS: Yes, thank you. Mr Nicholas, just in relation to the capacity of the applicant to meet the requirements for rehabilitation, you've raised some doubts about that given this financial situation. Have you any thoughts about the amount that will be required for rehab and therefore the sorts of numbers we're talking about here in terms of that – that will be needed for the company to properly rehabilitate  
35 the mine site?

MR NICHOLAS: Well, the given figure is \$215 million.

40 DR WILLIAMS: Right.

MR NICHOLAS: Of which about – only about 40 million is provided for on the balance sheets at the .....

45 DR WILLIAMS: Right. Okay, thank you.

MS McKELVEY: Thank you. Chris.

PROF FELL: No.

MS McKELVEY: No questions. I have no further questions. Thank you.

5 PROF CLARK: I have just one – one question for you, Mr Nicholas. You're  
aware, aren't you, that under the mining legislation at least but also under the  
Environment and Planning Assessment Act, there was a capacity for rehabilitation to  
be bonded. So would ..... your concerns if there were conditions, for example,  
10 whether it be under the ..... Act or the Environment and Planning Assessment Act  
for that rehabilitation to be funded in a forward manner?

MR NICHOLAS: If it was fully funded, yes ..... situation where that kind of –  
where it is not fully funded. If specific divisions would make sure that the entire cost  
was bonded, that would be an improved situation.

15 PROF CLARK: And so other than that issue about rehabilitation being funded, it's  
really – am I understanding your submission correctly that it's really the concern that  
the promised economic benefits will not materialise. Is that the issue?

20 MR NICHOLAS: Yes. I mean, they will not be – they will not have to pay any  
company tax. They've got huge losses and it would appear to me – although there's  
no transparency on the calculation – it would appear that the percentage of  
shareholders that are based in New South Wales is about to drop dramatically and so  
that calculation ..... due to New South Wales is inaccurate or about to be inaccurate.

25 MS McKELVEY: All right. Well, thank you, Mr Nicholas. I think we will move  
onto the next presenter. Thank you for your submission. The next presenter is Brian  
Mason from the Wilderness Society Illawarra. You're on mute, Mr Mason. The  
most uttered words of 2020. No. We're still having some trouble. Sorry.

30 MR B. MASON: Does that help?

MS McKELVEY: Yes. Thank you.

35 MR MASON: Good. Thanks for the opportunity to talk with you this afternoon.  
The Wilderness Society Illawarra was formed in 2016 as part of a national movement  
to build local community groups and to organise for the natural world and act on  
climate change. In our four years of activity, we've had two constant themes: the  
first being mitigation of the climate emergency and then acting to end the extinction  
40 crisis. We've spoken with thousands of local people during that time and we know  
that there's a widespread fear that – for the future of our planet that if we do not  
begin to reverse the damage already inflicted by the fossil fuel industries, there will  
be significant consequences.

45 The distinctive feature of this application is that they will use bord-and-pillar mining  
rather than the long wall system. This is said to be less damaging to the water  
catchment. There is a growing awareness of the hazards of mining under the water

catchment and there is a growing resistance to allowing mining and water catchments at all. There are three – at least three particular problems with the current proposal. One: less damage to the water catchment is not no damage. One recent local example being the distraction of the Whale Cave aboriginal heritage site on the escarpment by subsidence from bord-and-pillar mines in around the year 1979. Two: there's a compounding hazard in this case. This application is to extend mining into a third seam of coal. They are stuffed each on top of each other and two seams have already been mined above. And third: this approval would not in any way facilitate or contribute towards ecologically sustainable development.

Coastal upland swamps in the special areas of the water catchment are affected by subsidence caused by underground mining. The water new – the water New South Wales literature review of underground mining beneath catchments says:

*The drainage of swamps will lead to drying and potential erosion and scouring the dry swamps, loss of ..... within swamps, vulnerability to fire damage of dry swamps, change to swamp vegetation communities and adverse water quality impacts.*

There would be a loss to stream base flow and a loss of swamp ecology, both terrestrial and aquatic. There would be – a loss leads to a full range of downstream consequences. Swamps provide precious, much needed habitat for flora and fauna. It's likely that these – there are species and relationships in these ecosystems of which we are completely unaware. Vulnerable or threatened species that have been recorded in the community includes the giant burrowing frog, red crowned toadlet, Rosenberg's goanna and the green and golden bull frog. The eastern ground parrot was once common on ..... plains. These swamps provide habitat to the endangered dragonfly – the giant dragonfly which is now very uncommon in coastal regions.

This proposal create greenhouse gas emissions causing further harm to our climate system on which your people everywhere rely. Human induced climate change is a key threatening process for the coastal upland swamps. Further drying of these swamps by climate change will also leave them more vulnerable to bushfire. It would contribute to intergenerational inequity because it will leave younger people and future generations to pick up the pieces.

This proposal is not consistent with ecologically sustainable development as it would cause further damage to an already damaged and endangered coastal upland swamps. We urge you to reject the proposal. Thank you.

MS McKELVEY: Thank you, Mr Mason. Yes, we have some questions. Chris.

PROF FELL: Sorry, just one point of clarification. The applicant in this case proposes first workings only to leave the pillars intact. So the claim is that ..... subsidence. Will that change your view of things?

MR MASON: I chose to speak about coastal upland swamps because they are one illustration of many problems with this particular proposal. The – the bord-and-pillar approach and leaving them in place is not a solution. I live at Coledale, and as you can guess by the name, that's just a few k's north of Russel Vale. And it's a coal  
5 mining area and I live near the escarpment. I can tell you, the land around here moves all the time. And I heard Kaye Osborn just before lunch being asked a question about the negligible damage from subsidence said to be occurring in this case. And in no example that we're aware of has there ever been an estimate on the upside. Always, the estimate has been negligible or limited and yet, we see it every  
10 time.

PROF FELL: Thank you.

PROF CLARK: Thank you, Mr Mason.  
15

DR WILLIAMS: That basically answers my question.

PROF CLARK: It answers your question.

DR WILLIAMS: Yes. Thank you.  
20

PROF CLARK: Okay. You've addressed it. Thank you very much.

MS McKELVEY: Thank you, Mr Mason. The next speaker will be Stephen  
25 Young.

MR YOUNG: Hello. Thank you so much Professor Clark, Dr Williams and Professor Fell and counsel assisting for listening me today and may I compliment on your great powers of concentration to keep your attention on all of us. Look, I'm  
30 speaking to you as an Illawarra local on Dharawal land. I live in ..... a few k's from the Russel Vale mine and I'm deeply concerned about the world my grandchildren will inherit. So I would like to focus on greenhouse gas emissions aspect of this. I just don't think it's been adequately addressed. I watched the presentation this morning from the Department and he put up a slide of all the expert advice they have  
35 received from various government agencies, which is great, but there was not one expert asked to advise on greenhouse gas emissions. This is a huge omission, in my view. And also, the Wollongong Coal presentation today, the phrase – I believe I heard correctly, he stated, quote:

40 *Risks had been engineered out.*

This is a big call. But no mention was made of greenhouse gases, how to engineer out greenhouse gases, I don't know. But I think this is a huge gap in the planning process that has occurred. Thousands of schoolchildren in Wollongong and New  
45 South Wales are asking on the streets and online for the government to act on reducing greenhouse gas emissions. You're probably aware that Eight Aussie Teens are seeking an injunction from the Federal Court to prevent ..... of new coal mines

based on a duty of care to their future. This is part of the legal context that you're operating in and I urge you to take greenhouse gas emissions as serious as all the other concerns.

5 As other presenters have already explained, we've already had one degree of warming. The IPCC special report 1.5 says that we're already on a trajectory to well exceed 1.5 degrees warming, increasing the risk of long lasting and irreversible damage. So I think this is new scientific information that you must take into account as you assess this proposal. But one such expert is Professor Penny Sackett who is a  
10 former Chief Scientist of Australia and in her submission which I would urge you to read if you haven't already to the IPC on the Narrabri Gas Project, she has a lot of very detailed scientific information. But she said that the New South Wales carbon budget for – to limit warming to 1.5 degrees should be 132 megatons of CO2. One hundred and thirty-two.

15 So Wollongong Coal's consultants have already been mentioned. They estimate 1.5 megatons of CO2 will be emitted, scope 1, two emissions. This is an underestimate that excludes scope 3 and ..... that the NPA pointed out, it also excludes fugitive emissions beyond the operational life of the mine. But let's accept 1.5 figure for the  
20 moment. So this represents a bit over one per cent of New South Wales's total carbon budget. So if you go ahead and approve this, this would mean that New South Wales has got to find an additional 1.5 million tonnes of savings elsewhere. So meeting New South Wales's targets means we've got to shrink our emissions, not add to them. This adding new emissions is going to increase the cost of reducing  
25 emissions into the future.

The Department proposes conditions of consent to address various community concerns. So I was eagerly seeking out the section on greenhouse gas emissions and all I found was a section on air quality and greenhouse gas emission – greenhouse  
30 gas management plan which has details about air quality management, which is a worthy issue, but there is nothing on what should be a greenhouse gas management plan. It's like it's just a phrase that's been tacked on but it's such a huge issue. It deserves much more attention than that.

35 I understand it's actually very difficult and more expensive to capture methane from a coal mine and I question whether conditions of consent can actually prevent greenhouse gas emissions. So just to conclude, with the metaphor of lung cancer, it is like our planet is suffering from lung cancer and to recover, we've got to stop smoking. We don't want to take up any more smoking. And so, I believe you have a  
40 responsibility legally and morally to avoid any further environmental and social harm. And adding more greenhouse gasses to the atmosphere is going to cause this harm. And so I would urge you to follow Chief Justice Preston in the Rocky Hill Mine appeal judgment and reject this proposal entirely. So I end with a quote from this judgment where he said:

45

*The greenhouse gas emissions of the project and their likely contribution to adverse impacts on the climate system, environment and people adds a further reason for refusal.*

5 Thank you for your time.

MS McKELVEY: Thank you, Mr Young. We have one question for you.

10 DR WILLIAMS: Just a point of clarification. Are you particularly concerned about scope 1, two or three greenhouse gas emissions?

15 MR YOUNG: I'm concerned about the lot but I guess from a greenhouse gas accounting point of view, because of my accounting background, scope 1 and two is what Australia is responsible for. I guess in the end, India is responsible for scope 3 emissions which will be scope 1 emissions – scope 1 emissions for them. But in the overall picture, I am concerned about scope 3 emissions. But I'm putting an argument to you guys, who I know are scientists and engineers, I thought I'd stick to scope 1 and two.

20 DR WILLIAMS: Thank you.

MS McKELVEY: Thank you, Mr Young. The next presenter is Gavin Workman.

25 MR WORKMAN: Yes. Hello.

MS McKELVEY: Hello.

30 MR WORKMAN: I'm a local resident. I'm about 200 metres, 300 metres from the mine. I'm also a member of the Russel Vale CCC. And as a local community member, I've put up with so much misleading information and systemic failure that I've actually totally lost faith completely in the planning system. This is – you know, like, the proponent I'm talking about. New South Wales planning, the approving authorities and most particularly, the regulating government agencies. I'm sorry, I don't believe you anymore.

35 There are so many things that have happened here at this mine that need to be addressed and some of them still need to be addressed. The Bellambi Creek realignment, you probably know about it. That was the preliminary works, that was something that we were told. It was never delivered. Also, something in that ..... in regard to the Bellambi Creek realignment is that the proponent said they had an agreement with New South Wales ..... that they would carry the liability of the clean-up cost if the creek ever flooded again. There was no such agreement. There was no agreement but we have documentation from planning saying that it does.

45 There were promises under the preliminary works mob too to actually sweep the Bellambi Lane when they were loading from the stockpile. But the proponent has never, ever swept Bellambi Lane. The conveyors were supposed to be covered under



the preliminary works. The main conveyor that's here, they call a tripper. It is the most experienced part of the conveyor and it stands 33 metres above the site. It's not covered. They've promised it again that all conveyors will be covered and that all coal ..... at points will be covered. The triple will never be covered and that, as I  
5 said, cumulates the most dust and the most noise ..... promise in the preliminary works: they never, ever eventuated. And they've been promised again.

Stockpiling. The stockpile was 80,000 tonnes. They ended up stockpiling 456,000 tonnes on the site. And the regulating authority didn't do anything about it. We had  
10 to force them to actually have it removed. Preliminary works .....

MS McKELVEY: Excuse me, Mr Workman. We have lost your sound. We've just lost your sound.

15 MR WORKMAN: Sorry. So what was the last thing that I said. Truck loading facility.

MS McKELVEY: Yes. Thank you.

20 MR WORKMAN: It was promised. Never, ever happened in the preliminary works. They're promising it again. And ..... I am dedicated that ..... he talked about from Wollongong City Council, it's never been dedicated. I think it would be good if you talked to Wollongong City Council about the conditions that were never met on the adjoining placement area. There were dozens of them that weren't – weren't  
25 met and ..... a 450,000 tonne – sorry, a \$450,000 security bond.

So I think that it's - - -

30 MS McKELVEY: Could I just ask you a question. I appreciate that you've got a list there and I don't want to break your flow, however, you're telling the Commission about past issues in respect of other applications. Are there any particular issues in respect of this application that, if the conditions were complied with, you would still have concerns about? That might be a useful - - -

35 MR WORKMAN: Well, the benefits that are being promised by the proponent rely on conditions actually being met. And, you know, we have historic evidence to show that Wollongong Coal has a terrible record of meeting these, you know, conditions and obligations. So you can't just push away the fact that – you know, you don't  
40 want to hear that Wollongong isn't compliant but the thing is, then you have to push away the benefits that they are promising under these conditions.

MS McKELVEY: ..... Mr Workman, it's not a matter of not wanting to hear it. It's a – there's a limitation on what the panel – on what the Commission can do in respect of past behaviour. It isn't within the Commission remit to deal with those  
45 issues. The fit and proper person issue is for other regulators. But what is the role of the Commission is to assess this application if it's approvable to apply conditions on the assumption that those conditions will be complied with. Unfortunately, that's the

state of the law. And I hear what you're saying with a degree of frustration but at the end of the day, that is the remit of the Commission and so for your benefit and for the others that are listening, if submissions could be focussed on this application. And if those conditions were complied with, what would be the consequences and whether  
5 they would be acceptable or not, that would be of most use to the Commission.

MR WORKMAN: But then who is regulate those conditions? As you can see, from ..... already happened at Russel Vale, there's huge problems. Absolutely huge problems in regard to government regulation.  
10

MS McKELVEY: Well, I've taken your submission. We understand the issue that you've raised. There's – as I say, it's not within the remit of this Commission to deal with that issue but I – as I say, I hear what you're saying. Unfortunately, we're out of time for your allotment and we have to move on.  
15

MR WORKMAN: Thank you.

MS McKELVEY: The next speaker is Dean Jamieson who's appearing by telephone.  
20

MR JAMIESON: Hello .....

MS McKELVEY: Yes, go ahead.

MR JAMIESON: Okay. All right. Thank you very much. Good afternoon. Mr name is Dean Jamieson and I support the Russel Vale Expansion Project. I've been working in the coal mining industry for the past ..... years and work in South Africa and New Zealand and Australia. I recently moved to the Wollongong area and am currently employed at Wollongong Coal and been here for two months.  
25  
30

I'd like to see that the Russel Vale Expansion Project gets approved as it will create job opportunities, both directly and indirectly in the area ..... and will have benefits to the community in this regard. In recent times, businesses have taken a big knock due to restrictions created by the coronavirus and ..... unemployment as a result and in  
35 our area as well. And approval of this project will help create more jobs.

So with regard to the environment and all concerns raised about ..... cultural heritage, water management, etcetera, these issues are all manageable and I've seen firsthand over the last couple of months that the company and management ..... at the mine is  
40 very focussed on managing the mine within the regulation requirements and the conditions as part of their licence to mine. And if the mine gets approval to go ahead, as part of the transition from ..... to a production mine, the mine will be adopting the base change mining method which is a subsystem of mining and it was a suitable ..... be left in place to mitigate against subsidence.  
45

Going forward, if there's a plan to do ..... to determine gas content and the drilling information which will be available from this drilling program will also be used to

determine whether any other anomalies such as igneous intrusions and ..... and so on exist ..... for example, that will make it a lot easier to manage as well. Yeah ..... which will decide more on the mining ..... manager and further to my ..... generally covers off on a number of safety checks and controls ..... in the area in ..... do not  
5 work that have been adopted. The mine is a ..... at this stage as well, so just about every fortnight, a mining electrical or mechanical regulator visits the mine ..... safety and health representors conducting audits at the mine and admin reports due back from that audit. And overall, there's an ongoing focus of the mine of making  
10 improvements and this will continue to the future.

So from what I've seen so far, this can be a very successful operation and definitely provide a new working area. So yeah, that's me. Thank you very much.

MS McKELVEY: Thank you, Mr Jamieson. The next speaker is Lena Huda.

15 MS L. HUDA: Hello, can you hear me?

MS McKELVEY: Yes.

20 MS HUDA: Hello. I have moved here and – to this beautiful land with my Aussie husband and four of my kids just a year ago and when I arrived here, there was a water shortage. And then, that was followed by heavy smoke from bushfires most of the summer. And many Australians have asked me on the bushfire summer when I first arrived here if I enjoyed Australia. And I felt that was a bit of a hard question  
25 because sitting in my smoky house with my kids and avoiding going outside because of hazardous air quality levels for weeks was not quite what I pictured it to be to look like to live in Australia.

So I'm speaking here today because I want to make sure that my children and their  
30 children can grow up in an Australia where breathing healthy air in summer is still ..... not the exception. So we have heard that – and there is this approval for the coal mining in our water catchment right next to a residential area. Very close to me, I was quite surprised. I thought after this summer's experience that projects that increase water shortages and increase bushfire risk would find it hard to find  
35 government support. And I was also surprised to find out that there were not that many positives. The project creates I think 205 mining jobs. Not very much in relative. I think it's in the regional 33 million Australian dollars. And the coal will be exported and – and ..... of the mining company is so much of that that even delisted from the stock exchange.

40 So yeah, the mine is extremely close to residents and the school and these people will be heavily affected by air and more pollution. Also, what I'm concerned about it is one of the top 400 largest emitters of scope 1 emissions in Australia. It's a gassy mine so that means a lot of methane will be released into the atmosphere during the  
45 mining. Scientists have asked that we are the last generation to stop climate change before reaching dangerous tipping points. Methane is more than 28 times more

potent than CO2 and the first ..... with this. So it's not a good time to emit more since we have not yet developed any good capture technologies.

5 And you know, what else ..... speak here. I've grown up in a small town generally just 10 kilo away from a ..... mine. And that was – the idea then was to ..... medium ..... waste there and because people started ..... for 100 million years, they thought they could put radioactive waste there. The 1972 officials claim that the ..... of water can be welled up with a probability ..... certainty. So there was this radioactive – like ..... active way of putting through this mine. They closed my house. And then later, 10 actually, in 2013, has been decided that ..... has to come out because water started to get into the mine and now it's at the risk of collapsing. And ..... water.

All this radioactive waste will be taken out and it's going to cost five billion Australian dollars or mor and that's all taxpayers. It's going to pay ..... taxpayers are 15 going to pay for that because this is water is precious. So – and ..... mining don't have place in special areas of greater Sydney water catchment. So this project will lead to lots of water and can have ..... coal is full of heavy metal and radioactive ..... water New South Wales says in the latest annual report that the impact of underground coal mining are complex and difficult to quantify. If something goes 20 wrong, this can affect water supply of 5 million people. All ..... company with critical ..... concerns is risk of going bankrupt. It is obvious the taxpayers will pay the bill if something goes wrong.

If this was going ..... coal ..... an insurance company to pay for any unforeseen 25 damages but also for any expected damages. Water ..... continue to flow for more than 150 years as a result of the mining. The outflow will need to be managed and treated. Wollongong Coal is proposing a commitment to the risk of 10 years. Again, taxpayers expected to pay of the long-term damage. There should be no expiration day to clean up for the mess a company creates. So I hope you take into account the 30 ..... future cost to our community. The future ..... creating, I'm not the judge of the future. The miners will need to retrain at some stage. There is not real benefit and high costs to present and future generations of this project. In my opinion ..... the relationship for the ..... thank you.

35 MS McKELVEY: Thank you, Ms Huda. Just for clarification, what suburb do you live in?

MS HUDA: In Bulli.

40 MS McKELVEY: Bulli.

MS HUDA: Bully.

MS McKELVEY: Thank you very much. Our next speaker is Rowan Huxtable.

45 MR HUXTABLE: Hello, can you hear me?

MS McKELVEY: Yes.

MR HUXTABLE: Yeah, my name's Rowan Huxtable. I'm a Wollongong resident. I'm an electrical engineer. I'm – my first point is that the IPC has the ability and  
5 duty to consider all emissions, all greenhouse gas emissions from this project. Looking at section 5.5 of the EPA Act, it says that the termination – the:

10 *Authority shall, notwithstanding any other provisions of this Act or the precision of any other Act or of any instrument made under this or any other Act examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.*

That's all that matters, and notwithstanding any other things. Then Section 4.15 of the EPA Act says that:

15 *The determining authority shall consider the public interest.*

I think that nobody in Australia who lived through the horrible bushfires of last summer, nobody out in the country of New South Wales who has experienced the  
20 horrible droughts of recent years would say that climate change and greenhouse gas emissions are not in the public interest. The government recently passed an amendment bill to the EPA Act but according to Clayton Utz and Allan's, that amendment bill does not affect the fundamental duty and ability of the IPC to consider all greenhouse gas emissions. And I'd say that the carbon in the atmosphere  
25 that contributed to those droughts and bushfires, it doesn't matter whether it's scope 1, two or three. It's all up in the air and it's all creating a horrible risk for our society.

The second point that I'd like to make is that the economic viability of coal is rapidly  
30 deteriorating. According to the latest IEA predictions of coal price and coal use, coal demand ..... is falling rapidly and coal prices are falling rapidly. Coal is a more expensive fuel than renewable, so what's happening now, both as a result of the climate change situation and as a result of COVID is that coal is preferentially being shut down around the world and coal prices and coal demand are rapidly falling. So  
35 I would submit that the proponents cost benefit analysis should be reviewed in terms of latest information about the outlook for the world coal market and for coal prices because predictions that were made five years ago about coal price and coal demand are rapidly becoming – are showing to be proved to be overoptimistic.

40 We have a situation now where the United Nations and the IMF are saying that we're going to be out of thermal coal plants in the next 10 years. We've got a situation where the New South Wales government itself has accepted the strategic need to – to strategically phase out of coal mining. We've got a situation where BHP is planning to exit its thermal coal mining activities in two years. So in light of this, the  
45 very least the IPC should do is to critically review the proponents of that cost benefit analysis.

The third point that I want to make is that the – the – the proponent is saying that his mine is only a very small part of global CO2 emissions and therefore, it should be allowed to proceed. I don't accept this. We don't accept it in other matters, we don't accept that if I have a risk of COVID that I'm only a very small part of things so I shouldn't behave myself. We don't accept that a fisherman shouldn't restrict his catch because the single fisherman's only a small component of the total fishing operation. The net effect of all the individual approvals by bodies like yours, the net effect of that is that we now have a world climate crisis and we just can't keep on adding the smaller bit to the problem, bit at a time, bit at a time, bit at a time when really, we need to be stopping and reducing the problem.

MS McKELVEY: Mr Huxtable, I think the Commissioners have some questions for you.

MR HUXTABLE: Sure.

MS McKELVEY: Chris.

PROF FELL: Sorry, yes. I wonder if one of your comments applied to metallurgical which this mine is producing, because at the moment, it's ..... the way we produce steel across the world and the ..... are saying that direct reduction by something like hydrogen produced by renewable means is probably still 20 or 30 years off, a number of technological hurdles to overcome. So if we look upon it as metallurgical coal, do your comments still apply?

MR HUXTABLE: Yes, they do. They do. The – I guess if you accept the argument that this mine is only a very small fraction of the greenhouse gas emissions then you'd have to say that this mine is also a very tiny fraction of the world metallurgical coal supply. And in particular, Australia is already the largest metallurgical coal producer in – the largest metallurgical coal exporter in the world. We export around about 200 million tonnes of metallurgical coal so there's plenty of metallurgical coal around.

That's the first point. The second point is that this mine doesn't only produce metallurgical coal, it produces other sorts of coal as well. The next point about it is that what happens – what has happened and what will continue to happen with steel production is that steel making technology is getting smarter. We're – in the old days, a car, for example, might be made out of a great big lump of steel all rolled to a pre – you know, standard sort of formula. The modern car has less steel in it, the steel is made smarter, the steel is stronger in the important places. So the idea that the world actually needs metallurgical coal and the world couldn't find smart ways to reduce its metallurgical coal consumption, it's a – it's far – technically, it's far easier to do something about your metallurgical coal consumption than it is to try to grow wheat when there's no water or grow rice when the river flows from the ..... disrupted. Those technical problems about that steel are far, far easier to solve than the food production problems that are going to hit us because of climate change.

I don't necessarily think that it's Australia's national duty to support the steel making industries of – of India and Korea. We have our – we have plenty of coal in Australia to make metallurgical coal here. We also – the final point I'd like to make is that our predictions about how far off this technology are – tend to be self-  
5 fulfilling, to some extent. If – if we – I ..... - - -

MS McKELVEY: .....

10 MR HUXTABLE: - - - I work in steel work - - -

MS McKELVEY: Mr Huxtable, I need to - - -

MR HUXTABLE: - - - so I - - -

15 PROF CLARK: I'm sorry to interrupt you, Mr Huxtable. We need to move on. We're significantly over time. But thank you. I think you've - - -

PROF FELL: Thank you.

20 PROF CLARK: - - - addressed Professor Fell's question. Thank you.

MS McKELVEY: Thank you. The next speaker is Christine Jinga.

25 MS JINGA: Good afternoon, Commissioners. Can you hear me okay?

MS McKELVEY: Yes.

30 MS JINGA: Great. Thank you. I speak to you today as a concerned citizen who vehemently opposes the Russel Vale Extension Mine. Whilst I've been a Sydney resident most of my life, I grew up in the Black Soil Plains of – in Gunnedah and I'm a grandmother to two boys, 13 and 10, who are very aware to the threats to their future posed by climate change. I cannot sit by and watch coal or gas developments take away their future and those of other children while our governments at State and Federal levels approve yet more destructive fossil fuel projects.

35 I know the Illawarra well and have friends there who share a deep pessimism about our future. As David Attenborough has recently summed up, nature will recover, the real mass extinction is our own. New South Wales has a 2050 zero target emission target. This proposal and other coal explorations and developments are totally at  
40 odds with this aim.

45 So I'll just ask you: what price are we prepared to pay as a society for immediately cashing in on the current mineral spring? Does a carbon club of politicians, climate sceptics and invested business interests with a mantra of endless growth blind us to the effect of carbon emissions? We need to be smarter in jobs and recovery, especially for the people of the Wollongong area. We – sorry. Is Wollongong Coal with its previous rejections in 2015 and 2016, when it planned to longwall mine at

Russel Vale, to be trusted? A company that has – was recently delisted from the Australian Stock Exchange whose liabilities exceed their assets, who haven't paid tax in seven years, whose ..... mine was shut down due to roof collapses and safety fears and with its major shareholder, the 100 per cent owned Indian General Steel, lined in controversy, a strong employment prospect? The economics don't seem to stack up and the development consent notes under material harm, when I read the application, list actual or potential harm to human health or to the environment which is not trivial. Mining under and adjacent to Cataract Reservoir is hardly trivial.

10 As a Commission, you must observe the precautionary principle. Yet, on current projections, we are likely to reach a four degree warming increase by the end of the century. Australia is viewed with dismay and delusion by much of the developed world as we continue to fail to set a carbon target. Surely, the Commission has a duty of care to consider all emissions, including scope 2 and three emissions as well. 15 Meanwhile, the records we break are for mammal species loss, the worst in the developed world, habitat loss, temperature increases and fire destruction and for our disgraceful record as the second worst company globally on climate change.

20 Mining underneath and adjacent to the water supply of Australia's largest urban catchment area is unconscionable. Whilst Wollongong Coal have revised their mining plans to ..... extraction plans, the extension mine would overlay ..... seam workings and create potential instability and possible subsidence. All this to employ 145 workers over five years and create intolerable noise and dust pollution for local residents. Closely located Corrimal and Russel Vale residents will be subject, as you 25 know, to up to 17 truck movements per hour from 7 am to 6 pm six days a week. I wouldn't want to be there. The narrative ..... jobs at any price must change and new renewable economies upscaled.

30 You must be aware that the Planning Commission is now considered to have lost its independence after the Narrabri decision, foremost amongst many decisions. Having followed the fight of local farming communities in particular, having written a lengthy submission amongst – one amongst many thousands and presented to the online hearing, I am aware of the overwhelming opposition to Santos's proposal fought over an exhausting 10 years. The timing of the federal call for a gas lead 35 recovery strongly suggested that the IPC may well be compromised from government and corporate influence. I call on the Commissioners to reassert your independence, to assure that intergenerational equity, the precautionary principle and other elements of your charter are put into action. Thank you for your time today.

40 MS McKELVEY: Thank you, Ms Jinga. The next speaker is Peter Karakolevski.

MR KARAKOLEVSKI: Hello, can you hear me?

45 MS McKELVEY: Yes.

MR KARAKOLEVSKI: Good afternoon. My name is Peter Karakolevski and I am speaking as a resident and employee of the Wollongong Coal Mine for the support of



the Russel Vale expansion. I have lived in Wollongong for my whole life. I was born in ..... there for seven years, moved to Corrimal, 650 metres away from the mine, which is my current place of residence. I've been married now for 10 years, I've got a beautiful wife and three beautiful children. What a place to ..... to raise a family. We nearly have everything you could ask for. I did say everything.  
5 Beautiful beaches ..... palace walkways falling in close proximity to Sydney. But one thing we vastly need to improve on is the employment rate.

10 Did you know the Illawarra has one of the worst unemployment rates in the country, currently sitting at 6.2 per cent. I've been employed now in Wollongong Coal for 11 years, experienced lots of ups and downs. A lot more downs, which is not great. But what Wollongong Coal's provided me is the opportunity to live in Illawarra, raise my beautiful family in Illawarra, spend time with my extended family and spend my money in Illawarra. What Wollongong Coal brings to Illawarra is the opportunity  
15 for personnel who don't want to fly in, fly out, commute three or four hours, precious time ..... loved ones which, in the whole scheme of things, you can't put a price on. Watching – home every night, watching their family and kids grow up. The opportunity of Wollongong Coal not only brings additional benefits for the economy at Illawarra but New South Wales.

20 With the proposed mining change from longwall place change mining minimises the risk of zero subsidence which ensures that the catchment remains untouched, water – catchment water remains intact, not be disturbed. We have noise monitoring in place plus a ..... placement and environmental factors everyone is so concerned about  
25 happening there. Let's remember, the mine was here over 100 years ago. The residents always built their house around the mine. All residents were well aware that the mine was in place before they actually purchased their house. The coal produced here on the south coast is one of the world's best with a lot of – not different to the thermal coal.

30 So I don't know exactly if anyone saw the large turbine that was shipped to Australia recently. Did you see how big those – the size of those turbines? It was all produced using steel. If you look at your car or if you look at a train, it's all produced by steel ..... commuted today. Your computer you're currently using to Zoom, your smart  
35 phone all forms part of steel produced from coal. A lot of people are going on about the green steel which may be a way of the future. But for this point in time, green steel is in its initial stages and uneconomical. It becomes very difficult to ship large amounts of hydrogen compared to shipping coal.

40 Recently, the WCL – we installed a 54 kilowatt solar system to run ..... shaft with power lines disconnected. We also had to restore additional solar which will run our ..... so we are looking at this reduction methods and alternate means of supplying power. In conclusion, I am here today about Wollongong Coal and its new management structure in ensuring the company adheres to the rules and regulations  
45 set by the government. Wollongong Coal continues to positively contribute to all our workforce and economy, and, let's remember, contributes to many household items

and processes you and I take for granted. Without it, in today's current environment, it would make it very difficult to survive. Thank you for your time.

5 MS McKELVEY: Thank you, Mr Karakolevski. The next speaker is Leonie Scarlett.

MS L. SCARLETT: Good afternoon, Commissioners. My name is Leonie Scarlett and thank you for the opportunity to speak today.

10 MS McKELVEY: Thank you, Leonie.

MS SCARLETT: I come – do you want me to start or - - -

15 MS McKELVEY: Yes, please.

MS SCARLETT: Okay. Good afternoon, Commissioners. My name is Leonie Scarlett and thank you for the opportunity to speak today. I come to these proceedings as a lay person to ..... a mother, a sibling and a daughter. I come as a community member with a voice in the state of ..... pit order and the federal seat of  
20 Mackellar. I live on the northern beaches of Sydney but I also spend a considerable amount of time in Illawarra and in the Shoalhaven.

The many references to "I" in my above opening statement do not represent what I as an individual aim to achieve by speaking here today. Yes, I am one, but as one, I am  
25 currently involved with community and ..... organisations whose charter is commitment for the interests and concerns of the community and what we are hearing is not just overwhelmingly, but screamed from the rafters that the community no longer wants our governments to be involved in any way in the mining and extraction of fossil fuels, full stop.

30 If I make no other point today than that one, then my job is done. But I come to you, the Commission today, with a sense of perplexity as to why this message, this clear view held by the vast majority of the Australian community of which I am one, this overwhelming plea for the mining and extraction of fossil fuels in Australia ..... goes  
35 unheard again and again and again. Why? You may view my submissions today with the simple viewpoint based not on fact but emotional issues and desires. A viewpoint with no substance. My submission does come from an emotional place. An emotional place best described as desperation. Desperate to understand why the overwhelming community ..... on fossil fuel extraction and its contribution to climate  
40 change continues to go unheard. Desperate to understand why projects such as the Russel Vale mine can continue to be approved by government based on the recommendations from bodies such as the IPC. How can this be?

45 The ..... function of the IPC is that you, yes, you, Commissioners, have an important role to play in giving the community confidence in the decision making processes of major development in New South Wales. ....

MS McKELVEY: Ms Scarlett, you just dropped out for a moment there. Could you – you were asking a question, I think. Could you repeat that?

5 MS SCARLETT: The question was: I stated – I was asking the Commissioners if they had the community's confidence in the decision making process for major developments in New South Wales and I asked them if they felt they were successful in that role.

10 MS McKELVEY: Thank you.

15 MS SCARLETT: Do you have the community's confidence when it comes to the Russell Vale Mine Project or is this process the same farce in regards to the community view that was recently – you failed to recently uphold as demonstrated in the Narrabri Santos IPC approval? What does the independent in Independent Planning Commission mean? Are you, by definition, independent, free from outside control and not subject to another authority? I ask you. Please listen to the voice of the community. Please act with integrity and please be the independent that you claim to be. Please.

20 The community needs to have faith in your independence. My children are relying on your independence, as are your children and their children. I implore you to start listening genuinely to community voice regarding fossil fuel extraction at the Russell Vale Mine or elsewhere in New South Wales. It's time, wind it up. No more new fossil fuel licences, please.

25 MS McKELVEY: Thank you, Ms Scarlett. The – that ends this next session. We'll be back at 4.05. Everybody just needs a comfort step and a cup of tea. I think everyone can appreciate that. So yes, this public hearing will resume at 4.05.

30 **ADJOURNED** **[3.42 pm]**

35 **RESUMED** **[4.07 pm]**

MS McKELVEY: Welcome back. The first speaker this afternoon for the last session of the day is Ramesh Agrawal.

40 MR AGRAWAL: Hello.

MS McKELVEY: Hello.

45 MR AGRAWAL: ..... sorry. Good afternoon.

MS McKELVEY: Good afternoon. What is your submission?

MR AGRAWAL: Yeah. I would like to say that I have been ..... this person, this company ..... for last 20 years and they have conducted in India – it's very bad ..... I am coming today, Madam, and ..... started ..... the villages ..... because half the villages ..... hospital ..... around to their homes. But the officers, after some time,  
5 continued ..... granted permission to that coal block ..... to set aside their permissions and the objection ..... I would like to say ..... and there are so many other comments also which I have said in my written submissions. Then another environmental issue was they were to ..... megawatts ..... 2400 megawatts more ..... in India. When this came to my knowledge, I wrote them and ..... and the ..... very genuine. I'm taking  
10 ..... their permission ..... permission, which ..... permission. But it's about making an environmental study.

They withdraw it and ..... initiate legal initiation against the company ..... that is ..... are situated. That is ..... four by one, four by two and four by three. These are the  
15 ..... coal mines ..... of them now. They are ..... the say many things and they study ..... of polluting ..... have become ..... to the local communities. They have not complied with the conditions ..... in the permission letter like ..... and so on. And ..... mental cost around ..... in Indian Rupees. So these are the – some of their conduct about how they seriously ..... then comes the human rights issue. I won't go in details.  
20 There are so many cases ..... I will limit here with ..... before police complained and I was ..... two days. And ..... that the lower court, the higher court, denied me bail. And ultimately, I had to approach Supreme Court of India and they granted me bail. And ..... two days in jail, I was released. And they are ..... which – the police is not apprised to take ..... the permission. The company should go directly to the court.  
25 But no, here the company – I complained. The magistrate ..... and he started this against me.

MS McKELVEY: Mr Agrawal - - -

30 MR AGRAWAL: .....

MS McKELVEY: Mr Agrawal, we're – your time has run out. If you would like to make a closing comment about the applications.

35 MR AGRAWAL: Okay ..... which I would like to ..... that ..... criminal ..... by forgery. The case - - -

MS McKELVEY: Mr Agrawal, I'm sorry. Is there a particular issue about this application that you wish to bring to the Commission's attention?

40

MR AGRAWAL: I would just like to say that the – this type of conduct – this type of profession of like ..... should be allowed to work in Sydney or not. My only submission is like this: because - - -

45 MS McKELVEY: Mr Agrawal, your concern - - -

MR AGRAWAL: .....

MS McKELVEY: Sorry.

MR AGRAWAL: ..... Sydney's law.

5 MS McKELVEY: Yes. So your concern is with the applicants, the nature of the proponent rather than the application, is that correct?

MR AGRAWAL: .....

10 MS McKELVEY: Yes. Thank you very much.

MR AGRAWAL: ..... my concern – the person is ..... Sydney.

15 MS McKELVEY: No. Well, I think the commission understands the concern. And other people have raised that issue as well. We have to move on, I'm afraid. The next speaker is Brian Almeida.

UNIDENTIFIED MALE: Okay.

20 MR ALMEIDA: ..... commission, my name is Brian Almeida and I also happen to be the HR Manager of Wollongong Coal. Over the years, Australia has lost a number of blue collared and manufacturing jobs that have moved overseas. As a result I, and many others, have been retrenched a number of times. I've had to move  
25 cities for a job, to the detriment of our children and families. Now, some may say a job is not everything, but it does make a person feel valued, makes life worth living. A job helps pay the bills, keeps the spouse happy, pays for the children and the schools and university. It pays to pay the bank loans and keeps the tax office happy. Without a job, there is nothing ..... and all sorts of social evils. I am here today to  
30 speak on - - -

MS McKELVEY: I'm sorry, Mr Almeida. You're - - -

MR ALMEIDA: I have ..... people already dropping in at the mine or emailing me their resumes - - -

35 MS McKELVEY: Mr Almeida, we're experiencing some technical difficulties hearing you.

40 MR ALMEIDA: - - - now that they have heard that the company is going through the IPC process.

MS McKELVEY: Mr Almeida, we're having trouble with your transmission. We're having trouble hearing you. The connection with your Zoom is not good enough. If you – you may be able to reconnect. The next speaker, while you try and  
45 sort that out, is Tom Kristensen. Mr Kristensen, you can proceed when ready.

MR KRISTENSEN: Hi. Yes. Thank you for the opportunity to speak today. I'm in Maianbar inside the Royal National Park on Dharawal country. I'm part of a citizen science project studying frogs by pulling data from recordings made using a smartphone app. And I'll talk today about a frog that lives here, and also within the  
5 bounds of the mining lease under consideration. The Red-crowned Toadlet, *Pseudophryne australis*, is a tough little frog that might help us monitor the drying of the environment. It is listed as vulnerable to extinction because it has a very small range around Sydney, and doesn't cope with urbanisation. But left alone, it does very well, coping with the adversity of drought and fire.

10 I'm concerned with how well it might cope with coal mining and the associated subsidence cracking and drying of the land above. After the recent drought ended, the local frogs started calling again, and some have been calling ever since February. Red-crowns call day and night, continually advertising the presence of free water.  
15 As that water disappears, the calls dial down. The calling is done by the mature males, alerting widely dispersed females and sub-adults to the availability of water essential for reproduction. As you will know, the life cycle of a frog begins in water with an egg mass, and then tadpoles start a race against time to produce legs and venture onto land. Red-crowns live in burrows, which makes them a little cocky.

20 Unlike other more common frogs that fall silent as you approach, the red-crowns will keep calling. Living in a burrow affords protection from predators, and also protects them from desiccation. They also lay their eggs in the burrows, giving their tadpoles that same protection. This ability to make a burrow means these frogs can live in  
25 dryer conditions, but it also means they need to dig the breeding burrows in a place that will be occasionally wet. So the common location is upstream, where the water flow is not too heavy after rain. Red-crowns are mostly found in the drainage lines that go on to form the creeks downstream.

30 Now, if you were thirsty and looking for water, you could do worse than listen out for red-crown calls. The more reliable the water hole, the louder and more animated the calling will be. In a large group, each frog takes a slightly different part and helps build a distinct orchestral piece. As the water dries out after rain, only the most enduring water holes remain audible in the landscape. And usually these water holes  
35 will have a solid rock bottom, and often they will be covered over with fallen debris and quite hidden from view. Because they croak so readily, red-crowns are easily surveyed. Their changing calling patterns may well provide us with valuable insight into the availability of water to a wider range of animals.

40 The giant burrowing frog, also in the lease and also vulnerable to extinction, has a similar biology. It lives upland and depends on transient water. Small mammals, birds and reptiles will also drink and hunt from these hidden water holes. Mining-induced cracking may be simulating drought conditions for our endangered ecological communities. We may be running an unmonitored experiment here.  
45 Cracking in upland sections of bush is off the radar compared to cracking of open creek beds. Cracking under the soil can go unnoticed. Disruptions in upland

drainage lines may not be obvious since water is not normally visible in this environment.

5 I am aware that this proposal before the Commission is for bord and pillar extraction rather than longwall mining, and that the predicted subsidence and ecological effects are said to be negligible. I have two major concerns about the prediction of negligible effects. First, it is made despite the acknowledgement that there is more settlement yet to come from previous longwall mining operations. Second, despite recording subsidence of 1.7 metres under upland swamps, the proponents have been  
10 unable to identify any previous effect on swamp ecology, guessing instead that the changes observed are within natural variation.

15 An alternative interpretation is that the monitoring methodology was too blunt to detect effects. There are important questions to be answered about ecology and the disruption of water supply by the coal mining in the protected special areas. I would ask the commission to consider facilitating access to this lease area by ecologists other than those hired by the proponent. I propose further study of Red-crowned toadlets as an indicator species for the drying environment. The protection afforded by a special area status should not be used to shield mining operators who can make  
20 the unimpeachable claim that they are having a negligible effect on the environment. If we don't look, we won't see. And if we don't listen to the frogs, we won't hear them either. Thank you for your time.

25 MS McKELVEY: Thank you, Mr Kristensen. We have some questions from the commission. Peter.

30 DR WILLIAMS: Thank you, Mr Kristensen. Could you just explain for the panel the extent of the range, the distribution, numbers of the red-crowned froglet above the mine site and the catchment area so we're getting an idea of the extent of the issue we're talking about here.

35 MR KRISTENSEN: Well, the numbers have not been adequately monitored. It would take a very concerted effort indeed to count the froglets. Where I live in Maianbar, I survey about 20 sites in my district. And there's probably a couple of hundred frogs that I've identified. This is a very healthy population. I did mention that it's only – this froglet is only found in the bushland surrounding Sydney. And where Sydney's been urbanised, the froglet has been unable to survive.

40 DR WILLIAMS: Thank you.

MS McKELVEY: Thank you. And Chris.

45 PROF FELL: Yes. I was just interested in your knowledge of what happened earlier, so before 2015, when previous mining was going on in that particular area that we're looking at now. Are you familiar with that?

MR KRISTENSEN: I would love to have been able to enter the special areas and look at the distribution of frogs but unfortunately there is no access to the area. So there can be no surveys done other than by the proponent.

5 PROF FELL: Okay. Thank you.

MS McKELVEY: Thank you, Mr Kristensen. Thank you for your submission. I think we've now been able to reconnect with Mr Almeida by telephone for him to complete his submission. Mr Almeida, are you there?

10

MR ALMEIDA: Yes.

MS McKELVEY: Excellent.

15 MR ALMEIDA: I'll start again.

MS McKELVEY: I think we got halfway through. You were up to the point where it's good for the local community for people to have jobs and to feel a sense of worth.

20

MR ALMEIDA: Yes. Okay. So basically, I'm here to speak on my own behalf, but I also speak – I'm speaking out for the silent majority of workers, small businesses and unemployed whose voice you may not get to hear. I have a number of people already dropping in at the mine or emailing me their resumes for a job now that they've heard the company is going to the IPC process. At Wollongong Coal, we currently employ 60 staff directly, and engage a similar of people and contractors to provide services indirectly as well. As soon as the proposal to recommence mining at Russell Vale is approved, we will be looking to hire up to 200 full-time well paid employees over the next few months.

30

In the longer term, which includes other mines as well, the company expects to add up to 400 full-time well paid jobs in the Illawarra region, with a payroll of nearly \$13 million. In addition, there will be a huge number of indirect jobs that will be created for local businesses providing services to the company. As you may be aware, the unemployment in the Illawarra region has climbed to eight per cent. For women, it's even higher, at 9.7 per cent. And for youth it's even higher, at 14.3 per cent. With 14.3 per cent of our youth in the Illawarra region being unemployed, do you realise what will that do to our local communities and families? Studies have shown that unemployment has a major impact on mental health. There is also an increase in drug abuse, alcohol abuse, crime and suicide. Do you want our youth to harm themselves and the community in which they live?

40

You may be aware that the mining industry pays its employees well, and will pay a fair share in income taxes. The tax office ..... sends us an email showing us where our taxes are going. 40 per cent of our income taxes go to welfare. 19 per cent towards health. Nine per cent towards defence. Eight per cent towards education and so forth. Without the contribution of all these workers that can be employed at

45



the mine, the government may have to tax us all more or borrow more to make up for the deficit. I and my fellow workers also care about the environment and our local community.

5 With the company doing the right thing by changing more to assisting the mode of  
production, with no negative impacts or little impacts on water supply ..... impacts, I  
think it would be a win-win for all concerned if the company was given a go-ahead  
to recommence mining. I am sure all parties can work together to protect the  
environment, as well as create jobs in the region. It is not smart to fight each other,  
10 but rather find a win-win outcome. With the impact of COVID on the economy, we  
need every single job to get back on track fast. As I said, we currently employ 60  
employees already at the mine, with the prospect of another 400 in the future. I  
humbly request you to give the company an Aussie fair go. Also please keep the  
gates open at Wollongong Coal and let us keep our current jobs, and help us create  
15 more jobs for the local community. That's all I have for now. Thanks.

MS McKELVEY: Thank you, Mr Almeida. The next presenter is Louise Kirumba.

MS KIRUMBA: Thank you for giving me the opportunity to object to the  
20 Wollongong Coal application to extend the Russell Vale Mine. Australia is the driest  
continent on the planet after Antarctica, and Sydney is the largest city on this dry  
continent. The Greater Sydney Catchment supplies drinking water to not only  
Sydney, but to the Illawarra, Blue Mountains, Southern Highlands, Goulburn and  
Shoalhaven. This mine is ..... the catchment and ..... the drinking water of millions of  
25 people who face water restrictions most summers. The Greater Sydney catchment  
area is mostly unspoiled bushland around the ..... and its infrastructure. Public access  
is restricted to protect the water quality. Yet mining is allowed in this vital  
catchment area.

30 Wollongong Coal want to expand the Russell Vale Mine under this catchment. They  
want to mine a third seam beneath the two previously sealed mine seam. They admit  
that the old ..... workings are unstable, and could cause pillar collapse, thus causing  
subsidence of up to a metre. An added concern is if this mine is approved, it will  
reactivate lapsed Wollongong Mine approvals which have already caused  
35 subsidence, water loss and destruction. Water New South Wales, which manages the  
Greater Sydney catchment, identifies three main concerns with mining under the  
catchment: water quality and quantity, infrastructure and ecology.

40 Number 1, the effect on the quality and quantity of surface and groundwater in the  
catchment. 20 scientists and academics have written to Gladys Berejiklian warning  
of the effect that mining has on water quality and quantity. Streams are disappearing  
..... bulging. 25 million litres of water is lost every day, caused by subsidence and  
water diversion. As a result of mining induced subsidence, there is increased  
connectivity between surface water and groundwater. Chemical reactions from  
45 water-rock interaction releases chemicals and metals into the water. This not only  
affects the quality of the water, it changes the aquatic ecosystems.

- Number 2, the effect in the water supply infrastructure. Scientists have found a three centimetre shift in the walls of the Cataract Dam caused by mining. Further investigation was hampered due to poor access to mining data and poor monitoring systems. No wonder Water New South Wales is concerned. Number 3, the effect on
- 5 the ecological health of this special area. The terms of the ..... and the water patterns have detrimental effects on the ecology in this otherwise unspoiled bushland. The Russell Vale project is within the Cataract Reserve Catchment, which supports groundwater-dependent ecosystems such as the upper coastal swamps.
- 10 This is an endangered ecological community. The impact of draining the swamp is severe, and is irreversible. This must not be allowed to happen. Since the recent devastating bushfires, there are ..... bushlands in New South Wales. This area is one of them. The draining of ..... and groundwater and surface water will make it much drier and more flammable, and greatly increase the bushfire risk. As regards to
- 15 Wollongong Coal, the government is investigating if Wollongong Coal is fit and proper to hold a mining license. It has a poor compliance record, a poor monitoring record and a poor rehabilitation record. It has been using our money since 2013, and apparently has an over \$1 billion debt.
- 20 With this record, this company should not be given a mining licence, and certainly not in a sensitive catchment area. Water is Australia's most precious resource. It must be protected. Five million people rely on this water source. Considering the destruction caused by mining, the effects of climate change and the increasingly severe droughts we're experiencing, the only responsible thing to do is to reject this
- 25 proposal, and ideally close the existing mine. Think of the long-term, and the legacy we leave our grandchildren. Please reject this application. Thank you.

MS McKELVEY: Thank you, Ms Kirumba. There's no questions?

- 30 MS McKELVEY: No questions.

MS McKELVEY: No questions. Thank you. The next speaker is Rex Roberts.

- MR ROBERTS: Good afternoon, everyone. I'm certainly not going to be going as
- 35 long as some previous speakers. I'm purely here to represent the small subcontracted companies that operate currently with Wollongong Coal. I suppose I'm here to support – I'm not an environmentalist and I'm not here to comment on the environmental impacts of the mine. I'm here purely as a subcontracted company that's here to support the mine in regards to our ongoing employment and the
- 40 creation of jobs in the Illawarra. I've been operating with Wollongong Coal at their Russell Vale and Wongawilli sites in the cleaning side of things.

- We clean their bath houses, offices and help to maintain some of the surrounding grounds of the Wongawilli Mine. As such, it's created employment for my company
- 45 and for my employees. At the Russell Vale site, I currently have two full-time male workers working there. So obviously their families and mortgages and bills and everything rely on that site for their income. And I have a part-time employee who is

helping to maintain the mine site at Wongawilli so that if, in the future, it is able to get up and running and it's being maintained and will be in a state to resume operations if that ever happens down the track.

5 So as a subcontractor, as I said, I'm not an environmentalist and I'm not here to comment on the environmental impacts of the mine. I'm here purely to comment on the employment prospects that the Russell Vale Mine creates and the people in the community that rely on that employment for their wellbeing and for their livelihood. And if the Russell Vale Mine does continue to get the go-ahead then hopefully,  
10 some further employment would be created and as a result, I'd be able to create more employment through my company with the increase of productivity that would happen on the mine site. So that's purely what I'm here to represent, is the small contracted companies that are working with Wollongong Coal in regards to employment and creation of employment. As I said, I'm not here to comment purely  
15 on the environmental aspects of the mine. So that's basically what I just wanted to represent, the small subcontractor companies. Thank you.

MS McKELVEY: Thank you, Mr Roberts. We have one question. Chris.

20 PROF FELL: Quick one. Typically, where would your workers come from?

MR ROBERTS: Well, they live here in the Illawarra. So I'm creating employment for locals that live in our region and then, in turn, spend their money in the region. I don't have any employees coming from outside the Illawarra. We're an Illawarra-  
25 based company wholly owned and operating in the Illawarra.

PROF FELL: Thank you very much.

MR ROBERTS: Pleasure.

30 MS McKELVEY: Thank you, Mr Roberts. The next presenter is Keelah Lam.

MS LAM: Good afternoon. My name is Keelah Lam. I object to the Russell Vale Expansion Project as I fear for the future of my grandchildren and life on Earth. The  
35 birthplace of the industrial revolution has turned its back on coal, and is transitioning to a renewable future. Russell Vale was established over 120 years ago, and has not been operating continuously. It has been mostly inactive for the last two decades and in care and maintenance for over five years. The mine has sold off mining land for residential use, so now the Russell Vale mine site is closer to dense residential  
40 investment areas than any other identified mine in Australia. Coal mining is no longer land use compatible with the Russell Vale mine site. The fact that the site was historically a colliery does not make it an appropriate site for this anthropogenic epoch.

45 Clause 12 of the State Environment Planning Policies for Mining refers to compatibility of the proposed mine with other uses. Many issues make it clear that this site is incompatible with mining and processing of coal onsite, including

5 expected unacceptable levels of particulate and noise pollution. It will also generate reject material, which will be placed underground to contaminate the water that will continue to fill the mine long after the company has abandoned it and the mine is flooded. That polluted water will eventually work its way to the ..... and then flow down the Bellambi Creek. Wollongong Coal says after the mine closes, they will treat the water for only 10 years.

10 But it would take until 2057 to fill up, 31 years after this mining project has finished. A legacy of pollution left for our future generations to treat. This project proposes three stockpiles onsite. Previously, it took the insistence of the local residents to get the five times the permitted tonnes of stockpile removed from the site. So it is very concerning that the Department of Planning, Infrastructure and Environment has failed to specify the size of each permitted stockpile. Stockpiles are a significant source of particulate pollution, and this company has previously often abused the approved permitted amount of coal they were allowed to stockpile onsite.

20 History shows they do not self-regulate. New South Wales Planning Compliance has also shown that they are unwilling or unable to monitor and enforce compliance with the mining conditions. Particulate pollution is a huge problem. The colliery is so close to the residential areas, with homes bordering the mine site on three sides, just 175 metres from coal stockpiles. Schools are located just a few 100 metres away. The mine is a major source of particulate pollution, and this is a significant concern for residents in the area. If we compared two local mines' particulate matter pollution, coal dust and particles, per year, Russell Vale's pollution per tonne of coal extracted is 165 times that of Dendrobium Mine south of Wollongong.

30 It is well documented coal particulate pollution increases human morbidity and mortality from respiratory and cardiovascular disease. In this day and age, Russell Vale is not an appropriate location for a colliery, and particularly not for a mine to be expanded. The recognised high conservation and environmental value of Illawarra Escarpment where this mine is must be preserved. There are many reasons to reject this proposal. The precedent exists with the IPC refusal of Rocky Hill Coal Project, for reasons including incompatible land use. I ask you to see the incompatibility of this antiquated, dysfunctional mine on the Illawarra Escarpment in the suburb of Russell Vale. Until political donations are banned, we rely on your independence. I urge you to refuse this Russell Vale polluting, climate-wrecking, unwanted, dying industry. Thank you.

40 MS McKELVEY: Thank you, Ms Lam. We have one question for you. Chris.

PROF FELL: Just a point of clarification. It's my understanding that the rock that's being removed during the mining is the waste that's being put down – back down the mine. Is there a problem with this?

45 MS LAM: Of course. There will be – it will be mixed with coal. It won't be pure, plain rock. It will have other things all mixed with it. And when you disturb a water course, when you add things to a water course, it pollutes it. I've seen pictures of the

river with mining waste in it and it's bright red or orange. This can't be allowed to happen. We've got enough problem with our river systems without that.

5 PROF FELL: Are you aware of it ever happening in the Illawarra?

MS LAM: Well, pictures I've seen of the mine site shows the river polluted. It's red or orange. And we really have to make sure that this sort of thing is not going to happen again. And the only way you can be sure of that is by not allowing the mine to go ahead.

10 PROF FELL: Okay. Thank you.

MS McKELVEY: Peter.

15 DR WILLIAMS: Ms Lam, just a point of terms of history of the site, to get a better understanding of it. You did mention that the – some land around the mine site had been sold off some time earlier by the applicant, I gather. Do you know when it actually occurred?

20 MS LAM: No. I don't have that recorded. But I know that the area is quite densely populated. When you look at the aerial photograph of the site, you can see that it is quite densely populated and the houses are very close to the mine site. Which means that when – if mining starts again, the ash – the mine dust, all the particulates, can be blown around. And the transport of the coal also causes a lot of problems to the local  
25 people.

DR WILLIAMS: Thank you.

30 MS LAM: Thank you.

MS McKELVEY: Thank you, Ms Lam. The next presenter is Bernadette Leahy. Hopefully.

35 MS LEAHY: Yes. Thank you. I would first like to acknowledge the traditional custodians on which we all find ourselves today. For myself, it is the Wadi-Wadi People of the Dharawal Nation. Like many of you, Wollongong is my home. I was born here and I have grown up here. What is it that draws so many to Wollongong? My entire childhood has been punctuated by the escarpment and the sea, a combination unique to our corner of the world. My memories revolve around our  
40 beautiful environment and the way of life it offers.

When I was 10, I had been visiting my grandparents for the school holidays and I was coming to realise what a special place Wollongong is, and how lucky I am to live here. I remember feeling a sense of relief to see the temperate rainforest trees  
45 and the coast beyond them. I felt a fierce sense of belonging and a duty to protect the beauty of our home. The community here is what binds us to each other. One

conversation with a supposed stranger reveals to you that you have a connection in some way. It was undoubtedly clear our community is a vibrant and diverse one.

5 Our population is made up of many different cultural backgrounds. The diversity of people, opportunity and environment is what draws people here. It is why so many call Wollongong home. Why do I bring up my own experience, especially at a meeting such as this? Because I want people to realise this way of life, the Wollongong way of life, is one directly put at risk through the proposition of this expansion. How can one expansion do this? Surely she's being another  
10 melodramatic greenie. In many ways, I wish I was. It is true that the fossil fuel industry has brought many into our area with the allure of jobs and opportunity. However, as we have seen through the effects of recent bushfires, if we continue on this path, our way of life cannot be sustained.

15 This proposed expansion directly impacts our water catchment, affecting the water security of our whole city and the Greater Sydney Region. Five million people rely on the clean water of our water catchment, including the 330,000 people of Wollongong. Unfortunately, our water catchment is still at risk, with active operations already resulting in alarming water loss and contamination. The  
20 expansion of Russell Vale Colliery has been proposed as a first step for further larger development plans to occur in the Cataract Reservoir, as stated by Wollongong Coal.

25 With New South Wales having just faced 12 years of drought in the past 20 years, this is unequivocally reckless, and shows a lack of regard for New South Wales constituents. In the case of drought, vegetation in the water catchment will significantly dry out, increasing the risk of bushfires and subsequently, bushfires along our beautiful escarpment. With a growing population in the Greater Sydney area, as well as in Wollongong, and with the effects of climate change growing rapidly, how can we justify putting such a precious commodity at risk, especially in  
30 the face of more potential droughts? Further, how can we justify putting our diverse community at risk?

We further put our way of life at risk through the health impacts of this expansion. This expansion requires coal to be transported from Russell Vale Colliery to Port  
35 Kembler Coal Terminal, along the northern distributor. As a result, coal dust would be a major pollutant in our local residential area, with health implications arising, particularly an increase of pulmonary and cardiac issues such as asthma and lung cancer. The detrimental impacts of the pollution do not end there either. As we have heard, this pollution would mar our breathtaking environment.

40 A loss of tourism could potentially result with the health effects and pollution. This would ..... revenue for our local businesses, directly impacting our local community. How can we justify this expansion that has few local revenue benefits, and greater health and environmental implications? As a young person, I am honestly appalled  
45 this proposal may pass. It is not the older generations that will bear the onus of cleaning up our environment. It will be the responsibility of my generation, my children and grandchildren. Children and grandchildren face not only increased

drought, fires and water shortages from continual mining and fossil fuel burning, but health conditions as well.

5 How can I justify bringing up children into a world just to have them work tirelessly to clean it up? I implore you to consider the plethora of evidence that tell us not to approve any more mining, let alone mining in our water catchment. Do not approve this expansion. Help us protect our way of life, our community, our environment and our future generations. Allow me to start a family in good conscience, knowing that I can protect them and their futures.

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MS McKELVEY: Thank you, Ms Leahy. We have no questions.

PROF CLARK: No questions. Thank you, Ms Leahy. The next presenter is Timothy Maguire.

15

MR MAGUIRE: Yes. Good afternoon, commissioners. I hope you can hear me.

MS McKELVEY: Yes.

20 MR MAGUIRE: I have a professional background as an IT consultant and project manager with plenty of years of experience. I'm a parent of three adult children, and a grandfather to be. I'm a lifelong resident of New South Wales. I live in Sydney's northern beaches, which has already seen damage from coastal erosion, primary cause sea level rise and storms, writ cause climate change. Our bushfire season, normally beginning in October, started in August this year despite the record  
25 drenching earlier in the year that extinguished the record bushfires that burned 20 per cent of the country's forest cover in one fire season.

30 This alone is an incredibly serious message about one of the many implications of climate change. How much longer can we expect to continue to extract and burn fossil fuels, even what we have known for well in excess of 30 years, and pretend that we are providing jobs and economic benefits when in reality, we're choking our environment to death in the long-term. Supposedly 200 jobs in the Russell Vale mine expansion. There will certainly be no jobs on a dead planet. I hope that you  
35 reject the Russell Vale expansion for all the reasons that you'll see in my written submission. But I want to paint you a picture. Have we forgotten last summer already when that bushfire smoke choked the skies of several Australian cities, including Sydney?

40 I thought about those fires ..... and it's bad where I live, a couple of hundred kilometres away, what is happening where the flames are roaring, the extreme conditions are destroying our natural heritage, killing more than a billion native animals, burning our forests, houses and settlements to the ground? Never before has this happened in one season, beginning in August 2019. Winter. Climate change is  
45 supercharging the conditions for these fires. Writ cause of climate change, we all know, is the burning of fossil fuels.

- In the conclusion of the 2020 National Bushfire and Climate Summit Greg Mullins, the former New South Wales Fire Commissioner, has said the simple truth is you cannot fight fires unless you fight climate change. What sort of lunacy and doublespeak is it to both accept the science of climate change, as our New South
- 5 Wales government professes, but then to allow development of fossil fuel projects to make our already dire situation even worse? We would need to get out of the 19<sup>th</sup> century. We have to move on from digging up and burning buried dead things for energy.
- 10 We have to start using the power of the sun and the wind. Otherwise, we know we're on track for a four to five degree warming that will end our civilization as we know it, as well as 97 per cent of the Earth's species that have the misfortune to share the Earth with us. What do you want for your families' future? The people of New South Wales, Australia and the world do not want more fossil fuel projects to
- 15 add to the climate catastrophe. What they want is a sort of renewable energy projects, as exemplified in the first New South Wales Renewable Energy Zone, where the expected \$4.4 billion worth of projects snowballed into \$38 billion worth of proposed projects.
- 20 There are now green steel initiatives in train, and the world's first fossil fuel free steel plant has opened in Sweden. This technology will be competitive in the next few years. How are we going to meet our Paris commitments by digging for more fossil fuel? How are we going to realise the opportunity that the transition to renewable energy will present to us if we're stuck in the past? Why are we even
- 25 thinking about putting our water at risk, trusting this disreputable and possibly insolvent company to burrow holes near, and possibly under, our water supply? In any properly managed organisation, a project is only initiated to support the organisation's strategy. New South Wales has a strategy to reduce greenhouse gases, not increase them.
- 30 This project is exactly the opposite of what we should be doing. We simply won't have a future if we don't stop burning fossil fuels. As I will conclude in my written submission ..... energy generation project to encourage fossil fuels is analogous to deciding to burn the family home and its furniture to cook the dinner and keep warm
- 35 at night. The essential question is what happens when the fossil fuel runs out, once we've changed the atmosphere and changed the climate so we can't grow crops anymore? Or, in the analogy, what happens when there's no more of the house to burn and nowhere to live? What happens when the water courses under the coal mine dry up? What happens when billions of litres of our drinking water ends up
- 40 being pumped out of the mine, rushed and contaminated with poisonous substances from the coal seam? This project fails the explain this to your grandchildren test. Please do not approve it. The time for fossil fuels has passed. Leave fossil fuels in the ground. Thank you.
- 45 MS McKELVEY: Thank you, Mr Maguire. The next presenter is Emily Dyball. Ms Dyball, are you ready?



MS DYBALL: Yes. Yes, sorry. I'm just unmuting. Good afternoon, commissioners. My name is Emily Dyball and I'm joining you from Dharawal land in Towradgi, a suburb just north of Wollongong where the Russell Vale Expansion is proposed to occur. And I would like to pay my respects to elders past, present and emerging. I want to emphasise that I'm making this contribution solely in my personal capacity as a resident who lives nearby the Russell Vale Colliery. As a resident who cares about the future and wellbeing of my community, I am deeply concerned about what this project means for us locally, and what approving more coal extraction means for our society.

In reference to section 4.15 of the Environmental Planning and Assessment Act, I'm specifically concerned about this project where it relates to firstly, direct local environment impacts of the mining expansion. Secondly, increased water from our catchment area and a risk of mining in the catchment. And thirdly, the local social and economic impacts of a continued unsustainable attachment to the coal mining industry, and our expansion of the Russell Vale Colliery further entrenches this unreliable economic and social attachment in our local community. And lastly, the public interest.

For the purposes of my presentation today, I'd like to focus on the requirement to consider the public interest, principles of ecological sustainable development and the role of the IPC in applying these considerations. Approving this project is not in the public interest because to ensure that the rise in global temperatures is limited to well over – to well below two degrees Celsius, above pre-industrial levels, and to pursue efforts to limit the temperature increases even further to one and a half degrees Celsius, we can not continue to approve new or expanded coal production.

IPC ..... for its independence, and clearly has both the power and responsibility to reject the Russell Vale expansion on the grounds that it is against the public interest to approve – sorry, to approve new or expanded coal production. Such a rejection can occur despite the recommendation of approval by the Department because firstly, the IPC is a statutory agency whose decisions are independent from, and not subject to the direction or control of, the Minister or the Department. And secondly, the memorandum of understanding between the department and the IPC from 5 May this year notes the independence of the IPC and expressly states that it is to bring a high level of independence and transparency to the assessment and determination of state significant developments.

In addition to the EPA objective to facilitate ecologically sustainable development, there have been several decisions in the Land and Environment Court and the Court of Appeal that hold that the public interest requires consideration of principles of ESD as part of the project's merits assessment. One of the principal considerations under ESD is intergenerational equity, namely that the present generation should ensure that the health, diversity, the productivity of the environment are maintained and ..... enhanced for the benefit of future generations. In 2020, approving a new coal mine or coal mine expansion is inarguably against the principles of ESD and intergenerational equity. Any suggestion that the emissions associated with this

mine are low relative to Australia's or global emissions should be rejected outright. This line of argument would allow all emissions-intensive projects to proceed, and therefore make a mockery of the planning system and its consideration of cumulative impacts.

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It is not up to the IPC to try to determine how the government thinks the law should be applied. It is up to the IPC as an independent body to implement the law as it is written, and that requires full consideration of ESD and the public interest. If the government disagrees with this, then it is up to them to consult with the community and take an amending bill to Parliament. I urge commissioners to look deeply into what responsibilities you have in law to consider the public interest, and I argue that approving the expansion of coal production in 2020 can in no way be consistent with established legal principles that require our planning system to look to the future and ensure that development approved today can be sustained for future generations.

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15 Thank you for allowing me to contribute and good luck with the decision.

PROF CLARK: Thank you, Ms Dyball. Yes. Any questions? No. Thank you.

MS McKELVEY: Thank you, Ms Dyball. The next presenter is Katherine McKenzie.

20

MS McKENZIE: Hello.

MS McKELVEY: Hello.

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MS McKENZIE: Hi. Okay.

MS McKELVEY: Proceed when ready.

30 MS McKENZIE: Right. Good afternoon, commissioners. Thank you for giving me an opportunity to speak. My name is Katherine McKenzie, and I object to this project as it will cause further loss of ground and surface water in the Greater Sydney water catchment. During the recent drought, the overall dam levels for the catchment were at around 45 per cent. Wollongong Coal intends to mine in the catchment of the Cataract Dam, which was about at about 26 per cent. The ..... desalination plant can provide up to 15 per cent of our current water needs, but it comes at a cost. It's \$87 per Sydney water customer per year while in hibernation, and \$125 per customer per year when operating.

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40 It was switched on in late January 2019. Now, Water New South Wales conducted an audit of the Sydney drinking water catchment in 2019. It found that the catchment was under increasing pressure due to climate change. Records since the 1940s show that there was a long-term trend of reduced rainfall across the catchment. The drought experienced over the audit period further reduced surface and groundwater flow. The Russell Vale Project will lock in further losses for the

45 Cataract reservoir and its catchment of 131 litres per year of groundwater, and 10

megalitres per year of surface water. This is estimated to bring the total ground and surface water loss from the project to ..... water usage of over 4000 people.

5 Although this amount is less than other mining projects in the catchment, it should be considered in the context of the catchment's cumulative loss, damage and degradation. Reports from the New South Wales Chief Scientist's independent panel on mining in the catchment affirmed that we are not able to reliably estimate the extent and significance of water losses and contamination caused by mining in the special areas of the catchment. Furthermore, 20 independent scientists with the  
10 expertise in related fields sent an open letter to the Premier of New South Wales.

They called for an end to mining in the catchment, and detailed a drinking water loss rate of between 8 and 25 million litres a day as a consequence of mining in the special areas. Other estimates of water loss have been up to 34 megalitres per day  
15 into the mine, and around the metropolitan and ..... special areas. This is the equivalent of 13.6 Olympic swimming pools of water being lost each day. This reckless approach to catchment management by trial and error must end. The strategic importance of the Greater Sydney water catchment to Sydney, Illawarra and Blue Mountains must override the short-term attraction of mining profits.

20 I grew up in North-West New South Wales and I now live in Putty. I know the value of water. It is our most precious resource on this, the driest continent on Earth. Some people think they can just be another desalination plant to provide drinking water, but it's not just about that. It's about maintaining groundwater levels,  
25 otherwise ecosystems die. I became acutely aware of this when I saw the impacts of our land during the recent drought and consequent fires. As the groundwater level dropped, the grass died first on the hillside, then on the valley floor, which has always been green. Consequently, the earth heated and when the bushfire came through, even the swamp caught alight.

30 The fire brigade couldn't extinguish the creeping, slow burn, so it smouldered for weeks, even after the fire was officially declared out. It was only when heavy rain fell over a couple of days that it finally stopped. Climate change is happening. We must do everything in our power to stop it, and provide hope for future generations.  
35 That is why I'm talking to you today. As you have heard, the Russell Vale extension project is not in the public interest for many reasons. I urge you to reject this project and recommend that the mine is closed permanently and rehabilitated. Thank you.

40 MS McKELVEY: Thank you, Ms McKenzie, for your submission. The next speaker is Gem Romuld.

MS ROMULD: Hi there. Thanks for the opportunity to speak to this planning commission. I'm here to voice my objection to the expansion project. I live here in the Illawarra on Dharawal country just two kilometres away from the mine in  
45 Woonona, and I work in Bligh. Russell Vale is the closest coal mine to a residential area in Australia. Homes, preschools and schools are very close, as you may have already heard today. I understand that there's no safe level of exposure to coal dust

for human health, and this is particularly important considering the proximity of the schools and the preschool. Mine emissions will obviously be particularly harmful for small and growing lungs. My source for this information is from the Public Health Association of Australia.

5

The dramatic increase in trucks to 32 an hour will add to the air quality issues, as well as noise along the transport corridor. Another reason to reject the proposal is the impact of mining on Aboriginal heritage in the area. As documented recently by the Illawarra Land Council, damage has already taken place. This cannot be undone, which is unacceptable considering the significance and longevity of sites such as the whale cave. That traditional owners are not able to visit their country anytime they want to is disgraceful.

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Water is another key concern. WE know that underground mining cracks creek beds and can drain them. This drying out of the bush atop the escarpment directly contributes to the risk of bushfires. You don't have to be a scientist to know this. The bush atop Russell Vale Mine will burn one day, but this expansion will directly contribute to that, burning hotter and drier, hence doing more long-term damage to animals, land, people and property. I've seen in the images of runoff pollution in Bellambi Creek from the mine where, on at least one occasion, the water has been turned black. You can see these images in the Illawarra Mercury, which reported on this in June 2016. This kind of pollution event is devastating for local ecological communities, including just downstream in Bellambi Lagoon, which is an important place for many bird species.

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I'm aware the closure plan anticipates the mine will fill up with water and leak mining effluent for upwards of 170 years. The company hoping to expand the mine will treat this water for only 10 years. So I think for the IPC to approve a plan like this would be clearly unacceptable, and would undermine your credibility. I also know that Russell Vale is a very gassy mine, contributing unusually large amounts of methane into the atmosphere and contributing to global heating and the ensuing climate chaos. There's no way to make a coal mine clean or environmentally friendly. This is not a jobs versus environment dichotomy. It's a fact that some industries must sunset. For example, asbestos. There's an appetite here to transition to renewable energy industries, let this mine retire. And I urge you to reject the proposal for this expansion. Thank you.

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MS McKELVEY: Thank you, Ms Romuld. Are there any questions?

40

PROF CLARK: No. Thank you.

MS McKELVEY: No. Thank you very much for your submission.

45

PROF CLARK: I'm sorry.

MS McKELVEY: I tell a lie.

PROF FELL: I was just going to ask, were you around when the mine was actually working as a resident? And have you noticed any difference in the air quality since it stopped working in 2015?

5 MS ROMULD: That was just before I moved to the area. I've been here for four years.

PROF FELL: Thanks.

10 MS McKELVEY: Right.

PROF CLARK: Thank you.

15 MS McKELVEY: Thank you very much, Ms Romuld. The next presenter is Stephen Campbell.

MR CAMPBELL: Good afternoon, Commissioners. Can you hear me?

20 PROF CLARK: Yes.

MR CAMPBELL: Great. My name is Stephen Campbell. Thank you for the opportunity to present. So speaking of proximity to coal mines, I was a resident in Helensburgh for 15 years, right next to the Centennial Coal Mine. And I am soon to be a resident again in the Northern Illawarra once my wife and I buy a new property in the region. But because of the coal dust and noise issues experienced living close to Centennial Mine, we probably won't be buying in Russell Vale or Corrimal. But the burning of fossil fuels anywhere in the world causes emissions and impacts on our climate that have no boundaries, and that's really the issue here today.

30 This project will exact up to 1.2 megatonnes of coal per year for five years, with a total of close to four megatonnes, causing the emission of ..... 13 and a half megatonnes of CO2 equivalent. That's an unacceptable addition to the current burden of greenhouse gases in the atmosphere. The scientific evidence is now overwhelming of the catastrophic consequences of failing to take clear action to give our children and grandchildren a survivable future. Nothing could be more personal than the fact that my wife and I have two children, one grandchild already and several more planned. The decisions that you make and the decisions like them are critical for these kids' futures, and for the children of the world.

40 So this doesn't just mean government commitments and goals, which are still important. It also means specific implementation decisions not to dig up more coal or drill for more oil and gas, and to ensure we carbonise our economy and society as fast as we possibly can. So there is zero doubt that planning permission for this project should be declined, and I categorically state that I object to the proposed  
45 Russell Vale underground coal mining expansion project on the grounds of the potential impacts of this specific extension to groundwater and the amenity of the local community, the potential for scope 1, 2 and 3 emissions to exacerbate bushfires

and extreme weather events in the near future, the impact on human communities and ecosystems of these accelerating impacts and the need to rapidly decarbonise our society. There's clear legal precedent for objecting to fossil fuel projects on the grounds of their direct and indirect emissions.

5

So I could stop here. However, if you are by any chance considering recommending approval of this project for who knows what anti-science logic, there is no doubt then that you must recommend rigorously conditioning the planning consent to ensure that all greenhouse gas emissions projected to arise from the project are built into the costs for the proponent, the current owners and any future owners. It's unacceptable that these costs are then – are not internalised and made a burden on the community and on future generations.

10

Our Federal government has recklessly turned its back on its responsibilities by abolishing carbon pricing in this country. However, the good news is that the government of New South Wales can do the right thing if they're going to approve this project and condition any approval to the extent necessary to price in the true cost of these greenhouse gas emissions. The New South Wales government has the power to do this, and the Land and Environment Court has said so in its judgment on the Hunter Environment Lobby Incorporated v Minister of Planning (2011). That case considered the Ewan Coal Mine and expansion of its existing longwall mining operations, much like this one. And the case was really focused on scope 1 and 2 emissions and placing conditions on the project that the proponent be required to offset all of their scope 1 and 2 emissions. So I'd like to thank you for this opportunity, and I trust that you will make a proper, ethical and scientifically supported recommendation. Thank you.

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MS McKELVEY: Thank you, Mr Campbell. We have a question for Mr Campbell.

30

PROF FELL: Just a very brief one. The operator argues that this is metallurgical coal essential for the world's steelmaking. For the moment, there's no alternative. There may well be one in the future.

35

MR CAMPBELL: Well, I think - - -

PROF FELL: Do you have any reaction to that comment?

40

MR CAMPBELL: Absolutely. And I think previous interlocutors have stated that there are clean, renewable technologies now coming online very rapidly that are going to be available in terms of steel production. There's also enough metallurgical coal production early in the pipeline to cover the next five, 10 years of steel production. We don't need an additional burden from this particular mine, an additional 4 megatonnes of coal to come online for steel production in the future. It's just not necessary. Thank you.

45

PROF FELL: Thanks.

MS McKELVEY: Thank you, Mr Campbell. The next submission comes from Phillip Laird.

MR LAIRD: Hello. And thank you for the opportunity to appear. My submission  
5 is two parts: the first on transport, based on research at the University of  
Wollongong; then secondly, comments of a general nature. It's appreciated that the  
current proposal has been changed from earlier proposals, and that includes a  
contribution to the road maintenance costs of Bellambi Lane. However, the proposal  
10 has many problems that must be addressed. And I submit that it is very doubtful if it  
should proceed.

The haulage of coal by trucks using public roads has long had a negative impact on  
Wollongong City. That was the reason why, in 1978, the New South Wales  
15 government agreed to a condition to impose a limit of ..... tonnes of road haulage of  
coal to what is now the Port Kembla Coal Terminal, along with a curfew. Limit was  
lifted, but now do we really need more coal trucks on our roads? Adverse impacts of  
coal trucks are well-summarised in a 1990 New South Wales coal development  
industries strategy taskforce. And let me quote:

20 *Road haulage has significant community costs, including noise and dust  
pollution, increased energy usage, increased road maintenance, safety hazards,  
negative effects, tourism and complaints from local residents.*

In the same year, Wollongong City Council formed a coal transportation taskforce  
25 which noted, inter alia, the New South Wales Roads and Traffic Authority had found  
the unrecovered costs of bulk haulage on public roads amounted to three cents per  
ton kilometre. There are other external costs as well. Road crash risk, air pollution,  
noise and road congestion. These have not been adequately addressed in the  
secretary's environmental assessment report. It is hoped very much that you, as  
30 commissioners, will at least consider these costs. External costs were addressed by  
..... in its 2012 review of access pricing for the New South Wales grainline network.  
One estimate for my part quoted:

35 *Articulated trucks moving in urban areas imposes external costs of 3.88 cents  
per net tonne kilometre.*

Move a tonne of coal one kilometre and there's an external cost of 3.88 cents. Okay.  
Now, setting aside Memorial Avenue, for which there's a justifiable contribution to  
the council for that road maintenance, there's another 13 K of public road from  
40 Bellambi down to the Port Kembla Coal Terminal. So for every tonne a truck –  
sorry, coal moved by a truck from Russell Vale to Port Kembla, there's a hidden  
subsidy of about 50 cents. So for 3.7 million tonnes of coal, then you're looking at a  
hidden subsidy of \$1.85 million. Now, why should you or I as taxpayers have to  
pick up these sorts of costs? Now, it's submitted that if, for some reason, the project  
45 is conditionally approved – and I can't see how – further conditions to the proposed  
curfew, code of conduct for drivers and a – then further conditions should be  
imposed.

The trucks should have tacographs. They should be modern trucks, not old bombs. They shouldn't have noisy air brakes. And the mine owner makes a contribution to RMS at 50 cents a tonne to cover the additional road wear and tear, improve road safety and measures to better control heavy truck noise. To conclude more general  
5 points, there's real concerns about maintaining the integrity of the water catchment. And here, CCC Mining could be problematic, and its impacts difficult to predict. Other concerns: proximity to housing, greenhouse gas emissions. And it's really hard to understand the support of the Department of Planning for this proposal. And  
10 in any event, consideration needs to be given to commence the process to close the mine permanently and to rehabilitate the site. Thank you.

MS McKELVEY: Thank you, Mr Laird. Just to clarify one little aspect of your submission, I think you've referred to this as being conditionally approved. Just to be clear, there has been a recommendation for approval by the department. But the  
15 IPC obviously brings a fresh set of eyes to that process. And there's been no approval given. But I understand your point. I just wanted to make sure that everyone was on the same page in respect of that. The next speaker is Alex Moulis.

MS MOULIS: Hi there. Thank you for having me speak today. I'm speaking on  
20 Gadigal Country in Sydney. My name is Alex Moulis. I'm speaking today to oppose the plan to expand the Russell Vale Mine. There are many reasons to object to this plan. We've heard many compelling arguments today already. As a resident of Sydney, one of my main concerns is the risk this proposal represents to the water supply of Sydney and Illawarra. Last summer, many of us experienced a drought,  
25 strict water restrictions and extreme bushfires at the same time. This brought a personal realisation about the precariousness of our water supply. Before this ..... and disturbs the precious and finite nature of our water supply. But last summer delivered an emotional and profound understanding of our deep dependence on our water supply, and how vulnerable that water supply is.

30 Like many people, last summer also brought into clarity the impacts of climate change and those impacts and what they're having on our ecosystems and on our lives. The devastating impact of the bushfires to country, animals, forest and people brought a renewed sense of urgency to addressing climate change and environmental  
35 destruction. With these factors in mind, I strongly oppose the expansion of the Russell Vale Mine. With these kind of – yes. So this expansion would only see a renewed risk to our water supply, but it will also directly contribute to more CO2 emissions, which will further aggravate the effects of climate change. It will also make bushfires more likely and more intense in the Illawarra region.

40 This proposal to expand the Russell Vale Mine will see further mining of stolen land on Dharawal Country. This mining represents one of the many ways that colonisation continues to happen on this continent, destroying ecosystems, cultural and sacred sites, and refusing to listen to First Nations people about how country  
45 needs to be managed and taken care of. We, as non-Aboriginal people, need to listen to First Nations people about what happens on their land. We need to take their lead. This proposed expansion and the process that accompanies it is the opposite of that.



There are many more reasons to oppose this expansion, many of which have been articulated already today. But I might leave it there. I just want to say thank you so much to all of the people that are working so hard to oppose this expansion. And it's such important work. I hope IPC makes the right decision on this. I think it's  
5 obvious what that decision is. Thank you for listening to me today.

PROF CLARK: Thank you, Ms Moulis.

10 MS McKELVEY: Thank you. Questions? The next presenter will be Josephine Morehead.

MS MOREHEAD: Hello. My name's Josephine, and I object to the proposed extension of the Russell Vale Mine. Last summer, when Warragamba Dam burnt and the water was unsafe to drink, the Cataract Dam provided my family with clean  
15 drinking water. To show my thanks to the Cataract, I've read and reread 110 pages of the Russell Vale Revised Underground Expansion Project. Wollongong Coal supplied the cover image, and the balance of the report also appears to be written by Wollongong Coal. The message from the final assessment report is simple: that to change from longwall mining to board-and-pillar mining makes the risks to the  
20 integrity of the dam and the surrounding area minimal. There's the first weasel word. Often repeated are also words like "likely", "unlikely" and "very minor".

The rural fire service haven't been compromised in this report. They've just been minimised to 46 words of tiny font. Noted that the proposed project has the potential  
25 to increase the level of bushfire risk within the landscape, and the project may be impacted during a bushfire event. As such, the rural fire service indicated that a fire management plan should be prepared. Where is the plan? Professor Bruce Hebblewhite wrote a substantial part of the Russell Vale report, providing expert, objective, timely advice when assessing mining applications' advice and outcomes.  
30 The report is fulsome in its praise for Professor Hebblewhite, and he's looking forward to working on the approved extension to the Russell Vale Mine. So where is his independence in this document?

The Hume Coal Project and the Berrima Rail Project. I refer to the IPC transcript of  
35 4 December 2019, when Bruce Hebblewhite acted as a peer reviewer for the mining company and identifies as an independent mining consultant. At the hearing, Professor Chris Fell expressed his concern about the disagreements between the DPE and Professor Hebblewhite over the safety of mining plans. Professor Hebblewhite had a - - -  
40

MS McKELVEY: Ms Morehead, I'm sorry to interrupt.

MS MOREHEAD: Yes.

45 MS McKELVEY: If we could just keep the commentary objective and not personal to anyone, that would be appreciated.

MS MOREHEAD: Okay.

MS McKELVEY: Thank you.

5 MS MOREHEAD: Okay. Good. Designed – this is just the information that I  
have. Designed a 3D numerical modelling plan with nine pillars supporting the  
tunnel. But the DPE considered them unsafe. And also concerning the  
commissioners was the management of water within the mine in relation to pillar  
10 stability, and the possibility of bulkhead failure, causing the discharge of untreated  
mine water into the creek. I quote Mr Shah of the DPE:

15 *I must say that one of the worries I have here is that there's some controversy  
about the mining method. The experts don't all agree on everything. So you've  
done quite a lot of risk assessment work, and I wonder why you didn't bring  
that forward.*

In response, Mr Duncan from Hume Coal said:

20 *Anything Hume Coal gave to the Department of Planning finished up in the  
public arena.*

The commission was not persuaded by Professor Hibblewhite's concept - - -

25 MS McKELVEY: Ms Morehead, I'm sorry. I have to say it again. Can you please  
make your commentary about the impacts of this particular application rather than  
any other application, and to not make it personal to any particular person in respect  
of the documents prepared.

30 MS MOREHEAD: Okay. I'm moving on now. In regard to Russell Vale,  
predictably – so Professor Hibblewhite was asked to – was requested the pillar  
failure risk assessment be peer reviewed by an expert in multi-seam geomechanical  
stability. When Wollongong Coal engaged the professor to undertake this review,  
the promises of jobs for Australians are bountiful. But hang on, it's not Wollongong  
Coal offering the jobs. They're offering 20 per cent only to locals, employing 205  
35 people during the operation, and 22 during construction. Only 20 per cent of locals,  
not a lot of jobs. The Department contradicts Wollongong Coal, insisting there will  
be more jobs available because previously, there were 62 per cent of local jobs and  
90 per cent in the Illawarra. I read the 110 pages of the report and the saddest word I  
40 found over and over was "unlikely." If I were considering buying a property and I  
was told it was unlikely the roof would fall in, I wouldn't buy it. But our  
government proposes trusting the Cataract Dam to a series of unlikely possibilities,  
which will be controlled by this untrustworthy company. Thank you very much.

45 MS McKELVEY: Thank you, Ms Morehead. Are there any questions,  
commissioners?

PROF CLARK: Not from me.

MS McKELVEY: No.

PROF CLARK: Thank you.

5 MS McKELVEY: Thank you. The next presenter is Joy Nason.

MS NASON: Good afternoon, commissioners. Can you hear me?

MS McKELVEY: Yes.

10

MS NASON: Good. My name is Joy Nason, and I'm from Mona Vale in Sydney. Thank you for the opportunity to speak at this hearing, this public hearing which has serious implications for everyone regardless of postcode. My decision to speak today was not taken lightly, because I prefer to defer to experts. And I should feel  
15 confident but as the name implies, the Independent Commission is made up of planning experts who are impartial, unprejudiced, fair and even-handed.

Sadly, I'm losing faith in the expertise and independence of the commission. Why wouldn't I? Especially after the outcome of the Narrabri Santos project, where I  
20 believe the IPCs seal of approval went against the public interest. It was also a blow for democracy, and I graphically pointed this out to the New South Wales Planning Minister, Mr Rob Stokes, in a protest in which I took part. I hope you can see that. There are the figures. But rather than giving up and remaining silent, it is more urgent than ever that ordinary Australians like myself should continue to speak out.  
25 This is our only hope of turning the tide against the vested interests of big business and king coal in favour of caring for our citizens and the future of our fragile planet.

It is for this reason that I welcome the opportunity today to register my objection to the proposed and potentially catastrophic Russell Vale Underground Coal Mine  
30 Expansion Project. It's my fervent hope also that while I may live in Mona Vale, my words will resonate with the locals of Russell Vale, who may not have had the opportunity for their voices to be heard at this inquiry. On a personal note, Commissioners, I have family born and bred in Wollongong. They've worked in the area for decades. My niece is employed in the public health system, and is a  
35 registered nurse at Shell Harbour Hospital. She has experienced firsthand over many years the ravages and physical trauma manifested in patients that can be directly attributable to the toxicity of working with coal. And they're hard-working people in the Russell Vale community.

40 They're expected to swallow the jobs creation line. Despite the rhetoric, it is clear there will only be a paltry percentage of direct jobs for locals. And this over a mere five years. How dare this be given credence when we have heard evidence today from experts that the project will prematurely kill roughly five times as many people as it employs. This makes blind faith in the jobs, jobs, jobs mantra ring hollow. The  
45 commission is well aware of the findings of the IESC. It would be inexcusable to overlook the key environmental impacts resulting from the Russell Vale project affirmed over and over again today. Ecosystem degradation and bushfire concerns

have been highlighted. We know the mine expansion would drain both surface and groundwater from significant nearby catchment areas, including the Sydney water catchment area. The tragedies of the 2019 bushfire summer should be front and centre of any decision-making process.

5

Commissioners, you have read, and you will read, hundreds of submissions. You have heard passionate fellow Australians speaking from the heart today. As you deliberate on this dangerous coal expansion project, ask yourself these questions: do you care about social justice? Are you concerned about the health of our people? Are you concerned about economic stability and investment value? Do you care about intergenerational justice? Everyone one of us should care. No exceptions. Irrefutable evidence has steadily mounted at this public hearing today. There is no justification for the proposal under consideration. It is not in the public interest. I ask that you reject the Russell Vale Project. Commissioners, I rest my case. Now is your time to choose. Now is your time to act. You have a profound moral responsibility to hand down a judgment in favour of the future of our fragile planet. It is in your hands. Thank you.

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PROF CLARK: Thank you, Ms Nason. We have no questions, Janet.

MS McKELVEY: Thank you, Ms Nason, for your submission. The next speaker is Siobhain O'Leary.

25

MS O'LEARY: Hello. Can you hear me?

MS McKELVEY: Yes.

30

MS O'LEARY: Hello, and thank you for this opportunity to speak. I'm speaking today for myself, but mostly on behalf of my children, who cannot speak here today, but whose future will be impacted by this decision ..... future generations as the current political, economic and planning processes fail to adequately take them into account ..... approval of the Russell Vale Underground Expansion Project. Intergenerational justice demands that we have a responsibility to leave future generations a clean and healthy atmosphere and a living world in which they can survive and thrive. We're not currently meeting these obligations.

35

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As the mother of a seven and nine year old, I'm deeply concerned that we're not doing nearly enough to tackle climate change and its known consequences ..... we are not doing enough is that I am speaking here at all. That in 2020, in a climate emergency, a proposal to extend a coal mine and extract 3.7 million tonnes of coal is being considered is evidence enough that we are not taking this seriously. We are already experiencing a destabilising climate, and ..... is well-established and readily available. Scientific recommendations to governments and policy-makers are clear. The solutions are obvious. And primary among them is to stop extracting and burning fossil fuels.

45

Yet here we are talking about extracting more coal, leading to more emissions which make the situation worse. We know what is at stake, and the intergenerational inequity the approval of this or any other fossil fuel project represents. With every additional emission, we make limiting global warming to safe levels harder. This  
5 will place impossible burdens on future generations. Increased natural disasters, food and water insecurity, the strong likelihood of mass human migration on scales never seen before ..... and global conflicts ..... mitigation and drawdown measures with negative emissions technology that does not yet exist.

10 In the face of an unstable climate, the richness of life's opportunities are diminished. Choices that we have taken for granted like where to live, buying and insuring a home and whether or not to have a family are becoming increasingly harder. Anxiety levels in young people are increasing, and the capacity of young people to emotionally invest in their future is being affected. Much is made of the Paris  
15 agreement targets, but in reality, these are not being met, and they are not sufficient to limit warming to 1.5 degrees above pre-industrial levels. We are already at 1.1 degrees of global heating. We have very likely passed any opportunity to hold warming to 1.5 degrees, a level at which hundreds of millions of people will be adversely affected. More will be affected at 2 degrees.

20 On our current trajectory, we will exceed 4 degrees of global heating this century, adversely affecting billions of people and ..... many parts of the world uninhabitable, including many parts of Australia. It is known and well-published that the expected emissions from already approved projects globally are twice the remaining carbon  
25 budget, and that emissions must halve by 2030 to halt warming at safe levels. And yet projects to add more fossil fuel to the problem keep being proposed and given the go-ahead. In the foreword to the recently published report, The Human Cost of Disasters: An Overview of The Last 20 Years from the United Nations Office for Disaster Risk Reduction, the reports ..... state that:

30 *It is baffling that we willingly and knowingly continue to sow the seeds of our own destruction despite the science and evidence that we are turning our only home into an uninhabitable hell for millions of people.*

35 Warming effects are not linear. As the planet warms, climate tipping points are activated, triggering abrupt and irreversible climate change. Many tipping points have already been activated. The emissions we commit to today will not impact future generations as they have impacted us, but in exponential and reinforcing ways. But this is not a future event. Climate impacts are happening now. If approved,  
40 Russell Vale would be in the top 100 largest ..... scope 1 emissions in Australia. Arguments that individual projects alone cannot contribute to global warming could apply to every single project until the obvious meaninglessness of that argument is recognised ..... outcome of the IPC hearing to Narrabri Gas Project, it's hard not to be  
45 cynical of our planning processes.

It's hard to not wonder what would be enough to stop a project that risks climate catastrophe and threatens critical water, as this project does too. There is no amount

of conditional approval of fossil fuel projects that will make it environmentally sound in the face of overwhelming evidence to the contrary. There is no amount of economic benefit in the short-term that can justify compromising the safety of future humans. If ..... of the outcome then why speak at all? Because of the prospect that one day, my children will turn to me and ask, “Mum, what did you do? In the face of decisions leading to catastrophic climate change, how did you raise your voice?” At that point, I want to be able to turn to the and look them in the eye. On that note, I ask that the project be rejected by whatever means the committee has available to them because it goes against science, equity and all future generations. Thank you.

MS McKELVEY: Thank you, Ms O’Leary. The next speaker is Dr Sharyn Cullis. Dr Cullis, ready to proceed when you are. We’re having a little bit of - - -

DR CULLIS: Hello. Can you hear me?

MS McKELVEY: We can now. Yes.

DR CULLIS: Okay. Thank you. So thank you for this opportunity. I have recently graduated PhD on the impacts of mining in the southern coalfields, which includes the Illawarra. I’m a long serving member of a community consultative committee for another mining project in this coalfield that has provided me with insights into how this project should be assessed, and is the basis for my objection today. I urge you, as the determining body, to deny a project approval based on the set of conditions recommended by DPIE. My experience suggests they won’t work, and that should stand out as a moral challenge to this panel. As an illustration, take the recommended condition B15 with respect to water quality, which reads:

*The applicant must ensure all surface discharges comply with: (a) discharge limits set in MEPL; or B relevant provisions of the POEO Act.*

This is too generic, just as was the condition for the Bulli Seam Project approval in 2011. It took eight years for the limits to be defined in an EPL, and in spite of it, mine water pollution continues into the Georges River above legal limits today. For example, the median salinity discharge into the Georges is more than four times the legal limit, irrespective of the licence, and thus is as bad now as it was in 2012. So based on this real experience, I would recommend a non-approval of this Russell Vale project unless waste water discharge licenses are specified, very explicit, with pollution limits, together with a water management regime to enable them before any further coal extraction is approved.

Wollongong Coal has demonstrated, by past illegal discharges into Bellambi Creek, the higher risk of any further Russell Vale approval. The EPA, in 2018, noted 13 separate serious compliance breaches before a previous public inquiry. The revised – the Russell Vale Revised PPR indicates that Wollongong Coal will investigate and respond with a tarp when waste discharge from the Bellambi Gully Outlet has turbidity exceeding 100 NTUs as though that is acceptable. I think it is appalling. The ANZAC standard is less than 30, and that is the licence limit in the EPL for the

Appin Mines operated by South32. Every coal mine in these coalfields should have the same pollution licence limits in their respective EPLs, and I would hope you insist on that to avoid the perception of bias.

5 I have serious concerns also with the proposed conditions of B17, 18 and 19 that  
relate to water balance, surface and groundwater impacts and the adit water discharge  
problem. Those also need to be reworked so as to set out explicit conditions upfront  
of an approval. With respect to just one of those as an example, B19 would allow  
10 mining to proceed so long as the proponent submits an adit discharge water  
management plan within 12 months of the commencement of mining. That could  
run out to eight years, as my other example demonstrated. That plan would only  
need to outline treatment, discharge and beneficial reuse options, but not to commit  
to actually deliver them. The framing of that condition is a failure waiting to happen.

15 The miners should be required to deliver what is sustainable, reasonable and moral in  
terms of actions rather than canvas options. Water will only arrive in the pit bottom  
of the mine because it's been taken from the landscape and the water catchment  
above.

20 Water management must be a closed loop involving treatment and reuse. Here are  
three reasons for that: first of all, Wollongong Coal's modelling predicts that the  
Russel Vale mining void will fill with water, then overflow for more than 160 years  
at escalating rates. That's a lot of unjustifiable water wastage. (2) Wollongong Coal  
has, and will continue to have, impacts on the metropolitan catchment; that is, the  
25 water supply for the greater MacArthur and Wilton growth areas where the projected  
increase in dwellings needing water supply by 2040 is a whopping 54,000 plus. So  
Wollongong Coal needs to take pressure off the catchment supply source by making  
an alternative, high quality water product available through the treatment of its waste  
30 stream. That is essentially in order to protecting drinking water supplies into the  
future.

But most importantly – this is number 3 – other mines currently operating in the  
region – namely Tahmoor, Apin West and Apin North – are being required to  
construct and operate reverse osmosis desalination plants in order to treat their  
35 wastewater for beneficial reuse. So it is reasonable that the Russell Vale Project only  
proceeds with the assurance of the same, especially since the DPIE has flagged that  
this proposal is the precursor to a much larger expansion under Cataract Dam and  
further west. Another complication with the Russell Vale proposal - - -

40 PROF CLARK: Dr Cullis - - -

DR CULLIS: - - - is that - - -

45 PROF CLARK: Excuse me. We have a number of questions and we're over time,  
so we would like to leave some time for those questions.

DR CULLIS: Okay then. Yes.

PROF CLARK: Could you - - -

DR CULLIS: Could I just finish this sentence?

5 PROF CLARK: Thank you.

DR CULLIS: There's more in my submission, and I can actually send it to you and that's not a problem.

10 PROF CLARK: Thank you.

DR CULLIS: But can I just finish this sentence. Another complication with the Russell Vale proposal is that poor water quality is likely to be exacerbated by the fact that Wollongong Coal proposes to reinject its coal waste back into mining voids.  
15 When flooded and overflowing, this will add to the already high burden of salinity, turbidity and toxic metals into downstream receiving water courses if it isn't captured and treated for reuse. I'll stop there. There's more in my submission and I will actually send it to you.

20 PROF CLARK: Thank you, Dr Cullis. Peter.

DR WILLIAMS: Thank you, Dr Cullis. Just trying to summarise your concerns as we've heard them so far. It's mainly related around water, wastewater limits. They need to be specified. That relates to conditions. You mentioned condition B15, the  
25 EPL pollution licence limits and a number of other conditions. B17, 15, 19 all relating to water impacts. So is it – would it be fair to say that these are impacts that, in proper conditions, could be overcome? Is that the tenor of your argument? Or there are further impacts that would make conditioning not very helpful?

30 DR CULLIS: Okay. So basically I think that if there's any approval at all, there needs to be very explicit conditions that are drawn up that need to be in place before anything can occur. And I actually think that – I have other objections. I draw on water because of that recent experience that I've had with – when you have generic conditions, they in the end don't translate into any action you might experience. You  
35 know, eight years on that hasn't happened. So I see the problem, the frustration for everybody. And that's where people – basically you will be blamed in the end if there's an approval that has very generic, open-ended conditions that will not be enforced because that has been the problem in the past. And it looks as though it's going to be the ongoing scenario.

40

I honestly think there's all sorts – there's a range of other problems that I didn't want to address today because I knew everyone else would about social impacts, and about the fact that this is the only mine in the Southern Coalfields that ends up being in a village, right in the middle of a village. The metropolitan mine, obviously, in  
45 Helensburgh is also close. But I also have other arguments about the fact that – you know the question of alternatives. When Wollongong Coal itself canvassed the issue of alternatives, alternative number 4 was close down this operation. And I would say



that that was probably an alternative that I would actually support, because I don't think that the conditions will ever be drawn in a way that are explicit enough to protect water.

5 And that problem of the adit discharge is a future legacy that's probably almost insurmountable, in my opinion. But the other complications are that bord-and-pillar mining – anyone that knows anything about bord-and-pillar mining knows that the yield from bord-and-pillar is 30 per cent. The yield from longwall coal mining is around about 80 per cent. So bord-and-pillar mining is very, very unprofitable. So  
10 the likelihood of this mine being a financial success in the future is very, very small. The likelihood of them being able to afford the conditions that protect the environment is probably very, very small.

15 PROF CLARK: Dr Cullis - - -

DR CULLIS: If you were ongoing with this, the problem is - - -

20 PROF CLARK: Dr Cullis, just back to the condition question, to close that loop that Dr Williams raised was – you referred specifically to condition B15, which is in respect of discharge limits set by an EPL. You appreciate, don't you, that the reason why that condition was drafted in the way it is – and I'm not saying ..... whether its satisfactory. But is because discharges from a site that would otherwise cause water pollution must be regulated by an environmental protection licence. So it is a matter for the EPA to set those limits. Is what you're proposing as something that might be  
25 satisfactory – I appreciate the other issues that you've made comment about – would be if the condition itself imposed limits, the limits that the EPA would otherwise impose? Is that what's proposed?

30 DR CULLIS: ..... taken eight years for the limits to be developed, okay, by the EPA with respect to the Bulli Seam operation, I think the – my experience is now I think that's no longer acceptable. And I think that the EPA would agree with that. In fact, I was part of a working party with the EPA, with the miner, representing the community. And for eight years, we've gone through that process.

35 PROF CLARK: But if the EPA is – sorry. But if the EPA is required prior to commencement - - -

DR CULLIS: I think that that would be very desirable.

40 PROF CLARK: All right.

DR CULLIS: The EPL is, but also the water management plan.

45 PROF CLARK: So at the moment, the conditions have - - -

DR CULLIS: To actually put in place the structures and the systems necessary to make it work.

PROF CLARK: So the condition at the moment – the conditions, as drafted by the department, require the water management plan to be in place prior to the second workings commencing.

5 DR CULLIS: I just think before anything commences. The second workings? No. I think that before – because what happens is once you’ve got an approval in place and the coal mining starts, nothing stops.

10 PROF CLARK: Well, the coal mining only starts once the second working starts. I think what I’m just trying to understand and make clear is how the conditions are drafted so that we’re on the same page, just so that the commission can understand your concerns.

15 DR CULLIS: Yes. Prior to any, you know, further extraction.

PROF CLARK: Okay.

20 DR CULLIS: Absolutely. That’s just that one condition, though. But the other one is all about the adit discharge .....

PROF CLARK: Yes. No. I appreciate that. Thank you very much for your submission.

25 DR CULLIS: Thank you.

DR WILLIAMS: Thank you.

30 MS McKELVEY: Thank you. I think that’s the final public submission for the day, Madam Chair.

PROF CLARK: Yes, it is.

MS McKELVEY: Over to you.

35 PROF CLARK: Thank you. That brings us to the end of day one of this public hearing. Thank you to everyone who presented today for your thoughtful presentations. A transcript of today’s proceedings will be made available on our website in the next few days. Just a reminder that the commission will accept written submissions on the Russell Vale Underground Expansion Project up until 5 pm next  
40 Tuesday, the 27<sup>th</sup> of October 2020. You can submit your comments using the Have Your Say portal on our website, or by email or post. We’ll be back tomorrow morning at 8.30 am for day 2 proceedings. Thanks for your company today from all of us at the commission. Enjoy your evening and good night.

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**MATTER ADJOURNED at 5.55 pm ACCORDINGLY**