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5 PROF A. CLARKE: Good morning and welcome to day two of the Independent
Planning Commission's electronic public hearing into Wollongong Coal's state-
significant development application for the Russell Vale Revised Underground
Expansion Project. I am Professor Alice Clark and I'm chair of this IPC panel.
Joining me are my fellow commissioners, Dr Peter Williams and Professor Chris
10 Fell. Counsel assisting the Commission at this public hearing is Janet 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.

Wollongong Coal Limited, the applicant, owns and operates the Russell Vale
15 Colliery, located eight kilometres north of Wollongong in the Illawarra. It is seeking
planning approval for the Russell Vale Underground Expansion Project, which
involves bord-and-pillar mining. Under its proposal, up to 3.7 million tons of run-of-
mine coal would be extracted over five years, at the production rate that would not
exceed one million tons of product coal per year. The Department of Planning,
Industry and Environment referred this application to the Commission for
20 determination because it received more than 50 unique public objections.

The Minister for Planning and Public Spaces has asked the Commission to hold a
public hearing into the carrying out of the project, and make its determination within
25 12 weeks of receiving the Department's final whole of government assessment
report. In line with regulations introduced in response to the ongoing COVID-19
pandemic, we have moved this public hearing online, with registered speakers
participating via telephone or video conference. In the interests of openness and
transparency, we are livestreaming proceedings on the Commission's website. A full
30 transcript of the two day hearing will also be published in the next few days.

We again have many speakers on today's schedule. As such, I would ask everyone
presenting today to please try and keep your allocated speaking time. As chair, I will
enforce timekeeping rules to ensure everyone receives their fair share of time.
However, I do reserve the right to allow extra time to hear new information. I would
35 encourage presenters to avoid repeating or restating submissions previously made on
this application, noting that we will be particularly assisted by hearing your reviews
on the Department's assessment and recommendations – recommended conditions of
consent. Just to remind you, you can make a submission in writing up till 5.00 pm
next Tuesday, the 27th of October 2020. Thank you. It's now time to call our first
40 speaker. The first presenter this morning will be a video presentation by Michael
McCarthy.

MR M. McCARTHY: Hi, my name's Michael McCarthy.

45 PROF CLARKE: We can't hear you.

MR McCARTHY: - - - submission. I was going to talk to you on the phone yesterday, but – this is a bit more awkward, but here we are. I’m a resident of Corrimal. I’ve got a young family. I’ve got two small kids and a wife. My kids go to school in the area and we’ve got our future – we’ve got our life set up here and we
5 want to spend, you know, our future here as well. We’re against any restarting or expansion of the Russell Vale coal mine. I’m a paramedic in the area. In my job, there’s constantly grey areas. You know, decisions with no perfect answer. And it’s often to help us get through these, we often think, what would a reasonable person expect when presented with these facts, and that helps us kind of form an idea of
10 what’s, you know, right and just in that situation. And not with all the medical jargon, but just what to expect from each other, you know, on a human level.

I’m not expert in mining or city planning or the economy, but to look at this proposal, you know, on the surface, as just a reasonable person. You know, firstly,
15 expanding a coal mine within hundreds of metres or less, you know, of schools – it’s close to a water resource and with all the other developed forward-thinking countries in the world moving away from fossil fuels – and being run by a company in a huge amount of debt, I – you know, how is this even being considered? You know, how is this proposal even an option? I’m no whinger. You know, we’re in our 30s. I’m not
20 someone who moves into an apartment and complains about the noise next door on a Saturday night. I know the realities of, you know, living in suburbia.

But that’s – that’s exactly the point, you know? This is suburbia. We shouldn’t be dealing with coal dust and constant steam of – stream of – of trucks. The noise, the
25 congestion on intersections that are already getting backed up, as well as the potential health problems. You know, mines come and go. The profits come and go. The owners of the companies come and go. But the damage to the environment and people’s lives is permanent. You know, this isn’t the Industrial Revolution, you know, a few hundred years ago. We shouldn’t have a coal mine over our back fence
30 or the next street over. You know, it’s sad and it’s disappointing and it’s scary and it’s going to affect us, you know, personally, every single day. And for all those reasons, we really feel strongly that it should not go ahead. Thank you for listening. Cheers.

35 PROF CLARKE: Thank you to Mr McCarthy for sending that video in. The next speaker is Nicole Morahan.

MS N. MORAHAN: Hi. Good morning, Commissioners. Can you hear me okay?

40 PROF CLARKE: Yes.

MS MORAHAN: Yes. So my name is Nicole Morahan and I live a few kilometres from the Russell Vale coal mine, in Coledale, on Dharawal land. I’m a chartered accountant with a history of working in investment banking, business advisory and
45 taxation. I’m currently completing my Masters of Sustainability, so I’m extremely passionate about this. I’m grateful to have the opportunity today to object to the Russell Vale underground mining expansion, because of some of the pressing

sustainability issues that are being concerned. I'd also like to discuss the economic/environmental link and the precautionary principle, before moving on to some of the conditions that were raised.

5 The environmental concerns raised include the damage to the water catchment and the ecosystems that support it. The extensive time horizon which subsidence and contaminated water discharge is expected, the contribution of methane and carbon to greenhouse gas emissions in the face of climate change, and increased bushfire risks due to dry swamps and streams, and the pollution caused by trucks and coal dust is significant. Social considerations surrounding health and jobs, including the Doctors for Environment pointing out that there is no acceptable limits of coal dust on human health. With only 200 jobs, they're also at risk of unsafe work practices, no job security and lower pay conditions. As highlighted by an employee, it's often fathers, sons, brothers that dominate this industry and this nepotism means that only a few families benefit while the whole of the community takes on the risk.

In terms of the economics, the bord-and-pillar method is less profitable and inefficient. The metallurgical coal price is decreasing and the cost of the externalities to the environment and the community are not included as per the Polluter pays principle, with only \$40 million on the balance sheet for remediation works and bonds given for remediation in the future is just not good enough. This should be up front. Speaking of the balance sheet, they are a billion dollars in debt. How are they going to afford to invest in sustainable solutions with no money? With a build-up of tax losses, they're never going to pay corporate tax and contribute to our society.

I'd also like to add that using a discount rate of 7 per cent has estimated the present value of these future externalities far too low. There is significant academic literature and pressure to reduce this discount rate nationally. Green steel was also mentioned and while this isn't necessarily viable right now, that is no reason why we should approve unsustainable mining practices in the future – in the meantime, I should say. The purpose of the EPA Act is to facilitate ecological sustainable development by integrating the economic, the environmental and the social considerations into decision-making. But so often, the economic benefits dominate this approval process.

I grew up in Helensburgh, close to the Metropolitan mine, so I appreciate the benefits a mine can bring to community. In fact, I used to think the economics was everything, as an accountant. I worked in banking. I had plenty of money. But then I became very sick and I spent several years bedbound and it gave me time to get a new perspective. I realised that any job – and in fact, all the money in the world just means nothing if you don't have your health. And our health is so dependant on the environment; the air that we breathe, the water we drink. We're totally dependant on it for our survival. Not only our health, but ultimately every manufactured product in a human environment comes from our natural systems.

So I'd like to bring your attention to the fact that the economy is a subsystem of the environment. Our economy will continue to thrive without the expansion, however our environment, on which life depends, is at risk. The precautionary principle states that if there's a lack of scientific certainty, then measures to prevent environmental degradation should not be postponed. The independent expert panel for mining and the catchment, along with New South Wales Water – Water New South Wales and other scientists say that we need to have –

We need to close the knowledge gaps presently surrounding the impacts of mining in this area and the cumulative impacts caused by several mines in our catchment area. No development should be approved until we close these knowledge gaps.

Ecological sustainability recognises that the ecological integrity of – is fundamental to social and economic well being and we need to consider both the past and future – the present and future generations. Many of the voices for the expansion speak romantically of the past. But just because we did something in the past is no reason to choose this way forward. In the end, I just don't see how the – a few jobs for the community can outweigh the serious impacts. Please bring back the confidence in the IPC and reject this development. Thank you for your time.

PROF CLARKE: Thank you, Ms Morahan. The next speaker is Valerie Phillips.

MS V. PHILLIPS: Thank you. Good morning, Commissioners. My name is Valerie Phillips. Thank you for the opportunity to present my reasons for opposing the Russell Vale mine expansion. For the last 25 years, I have been privileged to call Australia home. I value so much about living in this land of opportunity. However, it fills me with sadness and frustration that our political leaders are so blind to the impacts of climate change and the role we play here in Australia. Australia is ranked second worst in the world for its climate action and that's an appalling position to be in. Quite frankly, it's embarrassing for a largely progressive nation.

Australia is a lucky country, and the potential to use renewable technologies is huge. It is soul-destroying that our political leaders are so blind to this potential and instead invest in a dying industry with no long-term future which continues to exacerbate climate change. During the COVID-19 pandemic Australia has demonstrated global leadership and put in place policies to ensure the wellbeing of its citizens. This has been demonstrated at a state level in New South Wales, with fast and decisive action to protect all, following the guidelines from the World Health Organisation and listening to the advice of experts and scientists. The State Government has shown us that they can act quickly and to protect the livelihoods and health of the people.

Given the real risk, to focus on the health of the population, from the pandemic threatens to take lives, I cannot understand why they're so blind to the effects of climate change. Either they're deaf to the advice from doctors, scientists and experts listen so keenly to that advice regarding the pandemic. can only believe that the legacy of the fossil fuel industries still in its in its death throes. To be honest,

I nearly didn't register to speak today. It's exhausting to challenge decision-makers and maybe it's always futile and the decision has all but a fait accompli, based on the other approvals which have been made recently. However, I want to be able to look the next generation in the eye and know that I tried to make a difference while there was still time. You're probably thinking the Russell Vale coal mine expansion is a small project in the overall scheme and will not contribute much to Australia's emissions. However, each project you approve is a step in the wrong direction. It ignores all the signs. It disrespects the expert advice on climate change and sends the message that the New South Wales Government does not care about the climate crisis, which has been keenly felt by thousands of their own citizens in the bushfires earlier this year.

It is my understanding that the New South Wales IPC has the legal authority to act independently under the Environmental Planning and Assessment Act, in the assessment of new coal projects in New South Wales. They can choose to refuse consent on climate and other grounds and impose conditions that would mitigate or offset greenhouse gas emissions. Given you have this authority, I beseech you to exercise these powers and refuse consent for this coal mine expansion. Failure to do so is continuing to support the woeful ranking of Australia as one of the worst actors on climate change globally. The New South Wales Government has published a plan to reduce their emissions by 35 per cent in the next 10 years. How are they going to be able to meet this target if they continue to approve fossil fuel projects like this one?

The approval of this project will only demonstrate the Dr Jekyll and Mr Hyde nature of the current government, trying to do the right thing on one hand whilst a monster on the other. In closing, I would like to read two quotes. The first is from a United Nations report titled, "The Human Cost of Disaster", which was published last week:

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.

And finally, from the United Nations Secretary General, Antonio Guterres:

If we do not change course by 2020, we risk missing the point where we can avoid runaway climate change, with disastrous consequences for people and all of the natural systems that sustain us.

Prior to approving this mining project, please pause and reflect on these concerns and on the legacy you want to leave to future generations. Your actions and decisions will have a direct and long-lasting impact on them. Thanking you in anticipation.

PROF CLARKE: Thank you, Ms Phillips. And just a reminder to everybody that's watching, there has only been a recommendation made in respect of this project. There has not been a decision made. This is what this process is about, and so the

Commissioners are obliged to carefully consider the submissions made, as well as the recommendation in the application, in making a decision. So it should be assumed that no decision has been made as yet. The next speaker is Miranda Korzy.

5 MS M. KORZY: Hi. Thanks so much for allowing me to speak. I'm from the
in Sydney. I'd like to begin by acknowledging the traditional owners of the land
from where I speak, the Guringai and Gadigal people of the Eora nation and
especially those of Dharawal nation, on whose land the Russell Vale coal mine
operates. I also pay my respects to the Elders past and present and note that no treaty
10 has ever been enacted with them. For thousands of years, cool fresh water flowed
over the magnificent escarpment of the Dharawal land into pools and swamps,
sustaining not only people but its local wildlife, including the echidnas, black
cockatoos and koalas that we know still live there today.

15 However, in the 133 years since coal mining began in this area, we have wrought
tremendous destruction upon it. The effects of what subsidence, creeks, wetlands
and groundwater draining through fissures. Swamps turned tinder dry. Slag heaps,
metal pollution in the water and coal dust in the air. Even relatively modern
constructions have been impacted by mining, with the Cataract Dam wall having
20 moved three centimetres and reports by scientists of drinking water lost at a rate of
up to 25 million litres from the reservoir every day. The question then for us, as
custodians is how much more can this landscape and its inhabitants tolerate? How
much more damage will occur in the five years covered by this expansion proposal?

25 The answer is that we don't know. In May, a group of 20 scientists wrote to the New
South Wales Premier, expressing their fears about the expansion of the coal mine,
saying:

30 *We write as concerned academic researchers and scientists, to urge an ongoing
suspension of approval processes for any further planning applications for
mining in the schedule 1 Special Areas of the Sydney drinking water catchment.
The suspension should remain in place until the long-recognised deficiencies
and inadequacies in data gathering and reporting, modelling, knowledge and
understanding are comprehensively addressed.*

35 Attached to this letter was nearly 50 pages containing their reasoning. On a wider
scale, the scientific consensus is that we must urgently take action to reduce the
amount of carbon, methane and other greenhouse gases in our atmosphere or face
catastrophic climate change, threatening the future of my family and everyone else's.
40 The Intergovernmental Panel on Climate Change, in 2018, found that to limit global
warming to 1.5 degrees Celsius needs unprecedented change in human society. Even
at 1.5 degrees, we could expect the Arctic cap to completely melt and a sea level rise
of 75 centimetres, and that includes on the New South Wales coast.

45 At the moment, we're heading for a 4 degree rise. To stay below 1.5 degrees,
emissions must fall about 35 per cent from 2010 levels by 2030, and be cut to zero
by 2050. To make this scenario a reality, we cannot afford any coal mine expanses

and instead should be working on closing them. Given the apparent insolvency of Russell Vale, this should not be such a tall order. Instead, the company proposes extracting an extra one point million tons of coal each year, leading to an additional 300,000 tons of CO2 per annum of scope 1 and 2 emissions, and an additional 13.5 million tons of CO2 in scope 3 emissions could also be expected. On top of that, we have heard this site described as gassy, meaning that the greenhouse gas methane would escape from the mine during its operation.

Yet the New South Wales Government's own policy calls for a reduction in greenhouse gases of 35 per cent by 2030. I'm not an engineer or a scientist, but I recognise the expertise of these university researchers and pay attention when they speak. I trust them and their honest intentions. However, the IPC recommendation that Santos' proposed CSG mining at Narrabri should go ahead – albeit with conditions – despite the evidence of a vast majority of experts seems unfathomable. I'm very worried about the worth my family and others and that we'll be disregarded yet again, in this case by a government decision not based on reliable scientific evidence, but some obtuse sort of reasoning or commercial interference. I urge the panel to restore public face in the independence of this process and reject the proposal to expand the Russell Vale - - -

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PROF CLARKE: Thank you, Ms Korzy. No questions? Thank you for your submission. The next speaker is Melinda Menning.

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MS M. MENNING: Good morning everyone, can you hear me?

PROF CLARKE: We can.

MS MENNING: Okay. I would like to just share my screen very quickly and – and I live in the northern Illawarra, in Helensburgh. I've lived here for four years. My brother's lived here since June of 2001 and since that time, I've spent a lot of time on the escarpment. I was a member of the I'm part of a group called POWA; Protect Our Water Alliance, and I'm also a member of the Illawarra Greens. I'm speaking today as an individual and I'm speaking opposing the mine expansion. I know that a lot has been said and I have been following, so I really don't want to repeat and I want to keep my message as simple as I can. I've got this photo to show you, in response to a question that one of the Commissioners asked about the effects of fire on the landscape.

Now many of us have mentioned the Coastal Upland Swamps that are a critically endangered plant community, New South Wales and federally, that they are only found in the Illawarra escarpment. Now one of the problems that we have is that we cannot access catchment lands special areas. So we are unable to give you a lot of documentation about what is already known to be happening as a result of subsidence in the catchment lands. And largely, in my case, in the Woronora, which has already been mined beneath. So this is a photo from a research paper that was presented and completed in March of 2020. It's a photograph of the Newnes Plateau area.

Now this photograph illustrates the difference in the effect of fire on a peat land on the Newnes Plateau. Peat land is very similar to an upland swamp, except it's not coastal. So this is the best thing I can give you to show you. The top photograph is taken 10 weeks after the fire of an area that has not been mined beneath and has not
5 endured subsidence cracking. The bottom photograph is taken of an area nearby, on the Newnes Plateau, that has had cracking to its strata and substrata. So what happens in the Uplands swamps, if there's any subsidence – and it may be even unknown. If there's any cracking and water loss from these swamps, they begin to dry out and they are less resilient to fire. Now I just wanted to answer that question.

10 I'll just take that – I might just – I don't know whether to leave that up or whether to take it down for you, so I can continue talking. I realise it's not the escarpment, but it's really the best thing I can do. Now I will just take off the screen share, so you can see me. I really want to speak to you about the escarpment itself. It's a unique
15 environment. It's unique to the country, to Australia. It is a place where the mountains meet the sea. It has temperate rainforest. Returning to the Uplands swamps again, I'm from the letter from the 21 scientists and I'm also working from the independent reports on mining in catchment area. So they're my references. 83 per cent of the Uplands swamps that are known – Uplands swamps only exist in
20 Illawarra and Romaria escarpments.

Eighty-three per cent of them are within the Woronora catchment, which is near where I live, to the north of the Cataract. And currently, the eastern side of the Woronora catchment is being undermined by mineral mining by Peabody and
25 Metropolitan Coal. expressions of interest for them to move to the western side. So 83 per cent of Uplands swamp is already at risk. So the percentage that's left in the escarpment needs to be protected. I know my time is running out. I really want to talk to you about the importance of these swamps. They are great soaks. They hold water and

30 PROF CLARKE: I'm sorry to interrupt you. It's - - -

MS MENNING: If they collapse, the microclimate. If they collapse, the microclimate - - -

35 PROF CLARKE: Ms Menning, sorry to interrupt you. We do have some questions - - -

MS MENNING: Yes.

40 PROF CLARKE: - - - that we'd like to put to you - - -

MS MENNING: Of course.

45 PROF CLARKE: - - - and your time has expired. So - - -

MS MENNING: Yes, of course.

PROF CLARKE: - - - could we move to – thank you.

MS MENNING: Yes. Thank you.

5 PROF CLARKE: First, Chris.

PROF C. FELL: Thank you. I wonder if you could identify the swamps that you've shown us in the photos. The environmental impact statement identifies all the other documents and it would be very helpful to us if you could.

10

MS MENNING: Yes. I'm happy to include the research paper in my written submission.

PROF FELL: Thank you.

15

MS MENNING: So on the Newnes Plateau. So they are a different kind of swamp, all right? Damage to the Uplands swamps, where they dry out, will make them less resilient to fire and the reasons why there are no recent studies on this is because scientists cannot easily gain access to the catchment lands to undertake those studies.

20

A study was done by a lady called Cunningham in 2013 of the Woronora and the Waratah Rivulets catchment lands. She had a lot of difficulty, despite them giving permission to go onto that land, she was fined twice and had to appeal those decisions and the mining company altered her equipment.

25 PROF CLARKE: Thank you, Ms Menning. We - - -

MS MENNING: In her research paper - - -

PROF FELL: Thank you. We can read.

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PROF CLARKE: Yes. We can read the paper.

MS MENNING: - - - it's very

35 PROF CLARKE: We do have one more question and we're well over time, so if I could ask Peter to ask his question and a brief response. Thank you, Peter.

MS MENNING: Yes.

40 DR P. WILLIAMS: Thanks, Ms Menning. Look, my question's very similar really. It's just - - -

MS MENNING: Sure.

45 DR WILLIAMS: - - - the availability of documentation evidence of the – any incidents of the drying of the swamps – the Uplands swamps in the catchment. Are you aware of any?

MS MENNING: Look, I will do more research but I will tell you that the problem is that these are lands that we can't access. It is very difficult to get permission to go onto these lands, including for scientists. So unfortunately we have to keep referring back to a time around 2013, when several scientists, including Ian Turner and
5 including a couple of speakers here, were given access to the Woronora catchment. I want to stress to you that these dams run all along the escarpment. They were built to take advantage of the high rainfall on the escarpment. If you dry out the landscape, you are lessening the chance of rainfall, fog and mist and all of the things that those of us who live around the escarpment characterise as our river.

10 DR WILLIAMS: Thank you.

MS MENNING: So I'm really concerned, with the triple seam mine, that they may – it may result in – look, you know - - -

15 DR WILLIAMS: Thank you.

PROF CLARKE: Yes. Ms Menning, I think your submission is clear. If you can
- - -

20 MS MENNING: Thank you.

PROF CLARKE: If you can – if you could send through any material that you do have, in respect of those Uplands swamps, so the Commission can consider it, that,
25 that would be - - -

MS MENNING: I really appreciate your time and patience with all of us in the last two days.

30 PROF CLARKE: It's the job.

MS MENNING: Yes.

PROF CLARKE: It's an essential part of the process. It's an essential part of the
35 process.

MS MENNING: Yes.

PROF CLARKE: The next speaker is Renata Field.

40 MS R. FIELD: Hi. Can you hear me okay?

PROF CLARKE: Yes.

45 MS J. McKELVEY: Yes.

MS FIELD: Fantastic. Hi and thank you so much for having me. Before I start, I'd like to acknowledge that I'm coming to you from Dharawal and Yuin land and pay my respects to Elders past, present and emerging. Thank you for taking the time to listen to everyone's submissions, as well as myself. As a local Wollongong
5 community member, I'm registering my opposition to the Russell Vale Colliery underground expansion. I'm a parent and many of you, I assume, would also be parents, perhaps grandparents. I'd like, personally, for my child to grow up in a safe environment and I don't think that this expansion will enable an environment that is safe for my child to grow up in. A recent 2018 report from the United Nations
10 International Panel on Climate Change noted that we had until 2030 to reduce current coal consumption by one third, to avoid imminent climate crisis.

Approving the Russell Vale Colliery expansion will directly lead to these impacts of climate change we need to be working to avoid, which include famine, drought,
15 flood, intense bushfire seasons like the one we had last year, mass displacement of human population due to sea level rising, mass species extinction and property damage. Mining underneath the Wollongong and Sydney water catchment will drain surface and groundwater from the Cataract Reservoir catchment, leading to species loss and a drier and more flammable bush, as you've heard from the previous
20 speaker. I've been to some of the creeks around the area and have viewed the loss of water and I'm gravely concerned about additional destruction.

Further to this, I'm concerned about the actual capacity of the company to – and its parent company, Jindal Steel and Power Ltd, as they demonstrably do not consider
25 the safety and wellbeing of workers. In just June this year, two workers from Jindal Steel and Power died in a workplace accident, with others injured. In Mozambique in 2012, Jindal Steel and Power displaced local communities, disrupting these communities' ability to access water and produce and buy food. In some cases there was violent police repercussion towards these displaced communities, who opposed
30 the conditions. In 2019, Wollongong Coal was forced to shut down operations at the Wongawilli mine, due to the New South Wales Resources Regulator identifying significant safety issues. In 2014 at the same mine, workers were asked to take a pay cut to keep the mine afloat, with the mine offering only \$21.50 an hour.

35 It is clear from these examples that Wollongong Coal and its parent company, Jindal Steel and Power, do not have the interests of its workers or the communities it operates in at heart. Arguments for this project focus on high unemployment in the Wollongong region, but the project states that it only offers 200 jobs, which are not permanent or stable. In March, according to the ABS, there were almost 7000 people
40 unemployed in Wollongong. So 200 jobs is really a drop in the ocean. What we really need is safe, secure, long-term jobs in long-term stable industries. I don't believe this mine is in the public interest. It will contribute to the worsening, devastating and ongoing bushfire season and with the escarpment looming above Wollongong, I think it's just not a safe place for this work to be happening.

45 It directly contributes to the devastation of the climate crisis. Wollongong Coal and the parent company, Jindal Power and Steel, demonstrably operate against the

interests of their workers and the communities they operate in. As a local resident with a family, I'd like to leave you with a small story and I would like to clearly state that I reject this mine as having any benefit to my community. I have a four year old child, as I said, who actually would like to work in a mine one day. Recently when
5 we were driving past the steel works, she said, "Mama, I'm going to work there when I get older" and I said, "Yeah? Why's that?" and she said, "I want to make that mine work with sun and wind, not dirty coal, Mama". And I think that we could get some inspiration from kids like mine. Thank you.

10 PROF CLARKE: Thank you, Ms Field. Thank you for your submission. The next speak is Alan Clarke, who is on the telephone. Mr Clark?

MR A. CLARKE: Commissioner - - -

15 PROF CLARKE: Yes.

MR CLARKE: Yes. My name is Alan Clarke. I am the founder of Street Mission and a Liberal Party member. Thank you for permitting me to speak against the proposal. I address the Commission on behalf of my grandchildren; Oliver, Archie,
20 little Sam, Xander and Zali and indeed, all of the children of the world and theirs. The Russell Vale expansion inevitably means more CO2 emissions and that runs contrary to all the expert scientific advice, which is to urgently move away from fossil fuels, to other energy sources, of which there are many. The IPCC, CSIRO, WMO and other organisations, along with eminent scientists like James Hanson,
25 Brian Cox and so many others, speak as one and implore governments across the world to drastically reduce emissions to avoid a climate catastrophe.

Most of my Liberal colleagues, and indeed, most of our politicians, have obtained Honours degrees in climate science from Murdoch University and prefer to listen to
30 experts such as Alan Jones. But that is lunacy. I wrote this poem before the horrific bushfires of 2019. It's called 'One Earth'.

*Climate's changing, longer summer.
Not so cold, these winter days.
35 Cyclones roar like Satan's drummers.
Men must surely mend their ways.
Ocean rises slow but steady.
Less sea ice at poles, we see.
Reef and fish stocks now declining,
40 Can't cope with acidity.
Growth and profits still are sacred.
Human populations rise.
Mass extinctions, rate increasing.
Listen to their silent cries.
45 Heed our scientist's clear warnings.
Ignore the politician's lies.
We only have one Earth to live on.*

Heal her wounds before she dies.

5 Narrabri was 100 to one against, but was approved. Understandably, in light of that decision, the perception of so many is that the decision on Russell Vale has already been made. But for the sake of my grandchildren and your own, I urge this Commission to be truly independent, accept the science, and reject the proposal. Approval equates to criminal negligence. Thank you for your time.

10 PROF CLARKE: Thank you for your submission, Mr Clarke. The next speaker is Dylan Green.

MR D. GREEN: Hi, can you hear me?

15 PROF CLARKE: Yes.

MR D. GREEN: Thank you. My name's Dylan Green. I live in Wollongong and I've grown up here. I am currently 22 years old, which means that I will probably outlive the coal industry. And I say this because thermal coal is – is very quickly on the way out. Renewables and storage are now cheaper than coal. Financiers, like 20 three of Australia's big four banks, are phasing out their thermal coal exposure by 2030, 2035, and the Paris Agreement, of course, says that thermal coal in OECD countries has to be finished by 2030. Metallurgical coal seems to have a slightly longer life ahead of it, but it is still definitely winding down. At the moment, 26 per cent of the world's steel is produced without using coal and new steel manufacturing 25 processes using hydrogen electrolysis are currently gathering momentum around the world. Particularly in the US and Europe.

But the green steel industry is – is also moving ahead in Australia. Boston Metals is a US company currently looking to open an electrolysis steelworks in either 30 Newcastle or Gladstone. Whyalla Steelworks is currently transitioning from coal-powered to hydrogen-powered blast furnace and it aims to be the world's largest producer of carbon neutral steel by 2030. And this progress in Australia is happening despite our abundance of metallurgical coal and our complete lack of government incentives for this transition. There is also a growing interest in the 35 Illawarra community about potential green steel opportunities for the region. So much so, in fact, that some locals have organised a green steel forum with expert speakers from around the country. This is happening next week. And the last I heard from the organisers was that you Commissioners had been invited but hadn't 40 replied yet.

So if steel is going to be at all relevant in the decision on this expansion of Russell Vale Colliery, I – I expect you to go along and hear what the – the real experts have to say. Not me and not Wollongong Coal, but the people that really know what they're talking about. And so, as I see it, the question isn't if we'll move past coal. 45 The question is just when we'll move past coal. And of course, the question I ask after that is, how much would we have given up in pursuit of coal? The – this proposed expansion of Russell Vale Colliery poses a huge risk to Australia's water

security – to the water security of Australia’s largest city. And it’s not just the 5 million people that live their today; it’s all the people that will ever live in the region and the quantity of water lost to this proposed mine is predicted to grow with time, and so this problem will be amplified for future generations.

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Around – according to the proponent, Wollongong Coal, around 2067, the void caused by this mine is expected to fill and then the water is expected to spill out and start – start pouring contaminants down – down the escarpment into my city. And Wollongong Coal has offered to build and operate a treatment plant for 10 years.

10 Now assuming that there is still a market for coal, that Wollongong Coal still exists, that Wollongong Coal follows through on this promise and that they’re actually capable of containing all those contaminants, this takes us to 2067. Now no offence, but you guys might not be alive in 2067, but I probably will be. I’ll be almost 70. So approving this mine expansion would effectively be dumping this problem of
15 increased water security on me and future generations.

And the other major objection I have to this proposal is its contribution to climate change. Now however you dress it up, this project has huge scope 3 emissions and so it will drive climate change and all the problems that follow on from there and –
20 and when coal extraction does finish, as – I think I’ll see that day – all those emissions are still going to be there in the atmosphere and they’ll continue to heat the planet. So our problems won’t finish when they stop pumping out the emissions. They won’t even stop getting worse. So I expect to see the end of coal, and perhaps even the end of all fossil fuels, but I don’t think I’ll see the worst of climate change.
25 When I – when I die, the climate will probably still be getting worse, and that’s because of decisions made today.

PROF CLARKE: Thank you for your – thank you, Mr Green, for your submission. I don’t think there are any questions for you. No. Thank you. The next presented is
30 Brad Kebble White.

MR B. KEBBLE WHITE: Good morning everybody. Thanks for the opportunity to speak in support of Wollongong Coal’s application for mining at Russell Vale. I’ve been a business owner in different capacities for almost 20 years now. For about the
35 last 10 of those years, Russell Vale Mine has been a customer of mine, in one way or another. For the last three and a-half of those years, Wollongong Coal, as the owner operator of Russell Vale Mine, has been a customer of my business, Solid Engineering, where we’ve supplied mining equipment and engineering services to them. Worked with almost every underground coal mine in Australia and even
40 having experience working with coal mining companies overseas, look, I can say that Wollongong Coal and Russell Vale Mine are among my favourite clients to work with due to their commitments to collaboration, innovation, work health safety and the environment.

45 From my perspective, it’s always great doing business with other like-minded companies, to achieve great results for both parties and in many cases, great results for the industry and the community, too. Some of the initiatives I’ve worked on at

Russell Vale Mine over the years, they include underground hygiene and sanitary solutions, to improve the work health and safety for all underground employees; providing drafting and engineering services to design equipment for the newer and safer and more efficient techniques of mining – or even providing overhaul services, that included upgrading fire equipment as part of the mine’s emergency system. And look, in my experience, the Russell Vale Mine and Wollongong Coal and its many employees are upstanding members of Wollongong Coal’s – Wollongong’s, New South Wales, Australian and the international mining community, you know, all in all.

10 Look, community is an important part of life and it can be living in the same place or having the same interests, for example. In relation to Wollongong Coal’s plans for Russell Vale Mine, it’s important to remember that the mine itself has been a part of the community dating back to the 1880s, providing a strong backbone for the community’s economy. And to operate a coal mine, you need employees, and that’s jobs for the local community. You need suppliers, and that’s business revenue for the local community. But it’s also – it’s also business opportunities for New South Wales and Australia, as well, and these actions stimulate the economy and it has wide-reaching effects. My business, Solid Engineering, whilst being diversified today, hasn’t always been that way. And at many times, it’s been more reliant on the Australian underground coal mining industry and when mines close or slow production, that affects not just my business but – but many businesses in the community.

25 And look, for us, it’s meant in the past that we’ve had to lay people off and often our suppliers have had to do the same. And look, whilst it’s one of the many unpleasant aspects of business, with more stability in the mining sector, the mining industry can create a more stable platform for the thousands of businesses and the hundreds of thousands of companies that support them. Look, I couldn’t speak today without talking about coking coal, that Russell Vale Mine has produced for over 100 years now. Coking coal, or metallurgical coal, is used to create coke – an irreplaceable input for the production of steel, in most cases. For over 100 years, Russell Vale Mine has produced coking coal and shipped it all over the world, to places like Japan and in more recent years, India, for its growing industrial needs.

35 Mining and selling a resource globally, such as coking coal, is adding to the much-needed export revenue to our country’s economy, too. And look, as I mentioned, you can’t make steel generally without coking coal. So I’d just like to ask everybody to – to have a think: where would we be and what would we have without steel? Like, everywhere you look, you’ll find something made from steel. And if it isn’t, more than likely it was manufactured or transported by things made from steel, like everyone’s probably sitting on a chair. So have a think about the chair you’re sitting on right now. If it isn’t made from steel, it was almost certainly manufactured from equipment that was made from steel and delivered throughout the supply chain in trucks, ships and shipping containers all made from steel. It was handled by forklifts made from steel, driving on roads with steel reinforcing in the concrete, stored in warehouses made from structural steel.

I could rattle off a million examples one after the other, but I won't. I've got your thought process working now, so I bet you're doing it in your head right now, thinking about everything that's made from steel. In closing, in support of Wollongong Coal's application for mining at Russell Vale, I'd like to do a quick
5 summary and recap. In my opinion, Wollongong Coal is a quality mining operation with world-class people, with innovation, work health safety and environment a key focus of what they do and how they do it. Russell Vale Mine has been a part of the community for well over 100 years, providing much needed jobs, business
10 opportunities and economic certainty for the community.

Coking coal provides much needed exports and is one of the key resources linked to having a strong economy for Australia. Almost everything we need or use today requires steel and you can't have steel without coking coal. Just like what had been
15 mined for over 100 years at Russell Vale. The Wollongong Coal Russell Vale Mining application makes sense. You have quality, experienced team mining a resource that is much needed worldwide, supporting both local and national economies. Thanks for your time.

20 PROF CLARKE: Thanks, Brad. We do have one question. Peter?

DR WILLIAMS: Thanks, Mr Kebble White. Just a simple question, I guess. You're a local firm, from Illawarra?

25 MR KEBBLE WHITE: We're based in Newcastle, in the Hunter Valley, and over my sort of 20 years in business, we've been sort of doing business right throughout New South Wales and Australia in the mining industry.

DR WILLIAMS: That's fine. Yes, good. Thank you.

30 MS McKELVEY: Thank you, Mr Kebble White.

PROF CLARKE: Thank you, Mr Kebble White, for your submission. The next presenter is Rachel Rowe.

35 MS ROWE: Good morning, Commissioners. Thank you for the opportunity to speak against this proposal this morning. I live a few kilometres away from Russell Vale Colliery. I'm a public health researcher and I teach university students public health, social policy and political economy. I'm also from a mining family. My
40 great-grandfathers were coal miners, their sons were miners and their sons, my uncles, were all miners. When the coal mine left my father's hometown, the remediation was pathetic. The pollution endured. The community today has very poor health, that is comparatively poor on a national average.

45 Supporters of coal mines almost always blindly cite the jobs argument, so I want to talk about that. The Department of Environment and Planning's final assessment report about the proposed expansion makes a similar shallow and short-sighted assessment. The report says that this five year proposal would create 205 short-term

jobs. That's very weak. At the mine's peak productivity, it would be just 0.15 per cent of the Illawarra's workforce. In reality, even with this expansion, the workforce of the mining sector nationally is shrinking. Furthermore, the local steelworks won't process this coal. So the argument that the flow-on jobs will happen is extremely
5 weak. It's a handful of cleaners, as we heard yesterday, and short-term construction contracts, as we just heard this morning. Not even enough to fill a classroom at the local school.

The Department of Environment's report, while it does state that even these few jobs
10 aren't certain, it also fails to mention Wollongong Coal's terrible track record as an employer. Just over a week ago, Wollongong Coal tried for the third time to get the Fair Work Commission to overturn its EBA, its bargaining agreement – its agreement with its workforce. In April 2019, it shut down the Wongawilli Mine after the New South Wales Resources Regulator found safety issues were too serious
15 for underground work to continue. This put 45 people out of work. In 2017, a catastrophic failure of a diesel engine occurred at Wongawilli, which the Regulator said, could have caused an explosion in the methane-rich underground workplace.

In 2014, another 100 miners lost their jobs at Wongawilli after an expensive long
20 wall machine was buried in a roof collapse. Workers were asked to take a pay cut to keep the mine going, but the company's offer of \$21.50 an hour, combined with a loss of working conditions, was voted down by miners. The miners were then made redundant. What happens when these workers lose their jobs and when there are workplace accidents? They turn to a social security system that Wollongong Coal
25 barely contributes anything towards, because Wollongong Coal pays no company tax. As the company has not generated a taxable income since before 2013, when the current majority undertook control, zero company tax has been paid to the Australian Government.

The company has also recently been in court for unpaid rent and revenues worth
30 more than \$288,000. Furthermore, the company is no longer listed on the Australian Stock Exchange and therefore even the basic accountability requirements for the ASX listed companies don't apply. The New South Wales Government has been investigating whether Wollongong Coal is even fit and proper to hold a mining lease
35 – a licence for four years, but has never concluded that investigation or released the findings. This company is a liability to us, to the public. Using the Clean Energy Regulator's calculations, it would cost the Australian Government about \$24 million to offset the greenhouse gas emissions that this expansion, if approved, would generate. That's a bill for us.

40 The long term health, environmental and social impacts of granting this expansion are even worse. Mining the escarpment and protected special areas is destroying Aboriginal cultural heritage. According to the Illawarra Aboriginal Land Council, Wollongong Coal is only required to monitor damages, not to prevent them. Not to
45 remediate them or compensate for them. Secondly, expanding this mine does nothing to address the climate crisis. Steel can now be made with hydrogen. There are more jobs in renewables. And thirdly, the proposal, if realised, will destroy

water-capturing ecosystems. So it's not just water loss for now, but the destruction of water-capturing potential for all of us. And so the news is painfully real because at the beginning of this year, my partner's father's home burnt to the ground in the South Coast fires.

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Our nearby township of Balmoral, here in the Southern Highlands, burnt down because there wasn't enough water to defend it. So anything that further drains the bush of water in this area contributes to our bushfire risk, as well as drought, and fundamentally threatens our water supply and that's the water supply of Sydney, also. So we can't simply allow any more mining in our protected – special water catchment areas. Miners in our communities need better than these scraps and we certainly need clean air and water. Please consider my opposition to this proposal.

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PROF CLARKE: Thank you for your submission, Ms Rowe. The next speaker is Mr Jack Gough.

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MR J. GOUGH: Thank you very much. Look, it's a – I'm glad to be able to present today. I must just start by saying there is, I think, deep scepticism within the community around whether making presentations to the IPC is worth it or not, given the large number of people who made submissions to the Narrabri CSG process and the fact that that wasn't considered as a part of the public interest test that is under the Act, for the IPC to consider. But I'm appealing to the Commissioners here to really use this opportunity to assert your independence from the Government and the Department, who have recommended approval for this project. I'm a local resident from Towradgi, just nearby – a couple of suburbs away from Russell Vale, and I oppose this mine on the grounds that we do not need new coal mines in 2020.

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We don't need new coal mines or expansions regardless of the science that they are. And that's because we need to draw a line somewhere and that line, I submit, should have been drawn a while ago. But certainly, I assume the Commissioners are aware of climate change, it's impacts. Accept those impacts and accept that coal mining and coal burning is the greatest contributor that we make to climate change. I make this submission in my personal capacity, but also with the experience of working in the New South Wales parliament for a number of years, working as the principal policy officer for the Nature Conservation Council, as well. And the – in the short time I've got to speak to you today, the things that I'd like to just touch on is to highlight the IPC has the power, and I believe the responsibility, to reject the mine on the grounds of its climate impact and on the grounds that we need to draw a line under new coal proposals. That power is clearly provided for in the Act.

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But then also to talk to – if you don't decide to – to – if you do decide to approve the mine despite that, to request that you consider, at the bare minimum, placing a requirement that all carbon dioxide equivalents scope 1, 2 and 3 emissions must be offset by the proponent. So I'll go through those two points in the short time. So firstly, I think it's quite clear that the IPC is independent from government under both the Act and also under the memorandum of understanding between the Department and the IPC from May this year, which expressly states that the role of

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the IPC is to bring a high level of independence and transparency to the assessment and determination of state-significant developments, and that the IPC is not subject to the direction or control of the Minister, except in relation to procedural matters.

5 This, I think, gives you the grounds to consider the Department's submission in the same way that you consider all submissions, and to reject the idea that this mine can be approved and that's because under the EP&A Act, you have to consider the likely impacts of the development, including its environmental impacts, the public interest, and the public interest includes the principle of ecologically sustainable
10 development, which – as has been upheld by the Land and Environment Court, and one of those principles is intergenerational equity. Under intergenerational equity, it's clearly not acceptable for us to be ignoring the science of climate change, ignoring the facts of the contribution of coal, and so, approving a new coal mine or expansion is against that principle.

15 In terms of if you do decide to approve it, the scope 1, 2 and 3 emissions are mandatory considerations within the mining set and therefore, I believe that you should, at the minimum, have a – have a requirement for all the emissions to be offset. There exists some mechanism at the federal level for offsetting those
20 emissions. That's been invoked under the Narrabri approval and I think it should – that a precedent should be set in – at least in this mine, of making that apply to all 1, 2 and 3 scope emissions. I know there's been discussion about whether the IPC should be imposing conditions around scope 3 emissions after the Rocky Hill decision, after the Wambo – United Wambo decision. But it's quite clear that the
25 Government drafted it and introduced legislation to parliament to remove from the Mining Sector Requirement for you to consider downstream emissions and that legislation has never progressed through parliament.

30 The – it's actually now off the notices paper in parliament and I think that's quite a clear signal to the Commissioners that there is not the appetite to remove that part from the set – that exists within the set and the downstream emissions should be taken into account in the assessment of this mine. Finally, I just want to say that there's a line of argument that the emissions associated with this mine are low, relative to Australia or global emissions, and therefore, you know, it shouldn't be
35 accepted. I think that sort of argument should be rejected outright. That would allow all emission-intensive projects basically to proceed and I think it makes a mockery of the planning process to suggest - - -

40 PROF CLARKE: Mr Gough, we're going to have to wrap it up there. I think your submission has been made clear.

MR GOUGH: Yes.

45 PROF CLARKE: The next presenter is Linda Seymour.

MS L. SEYMOUR: Good morning. Can you hear me?

PROF CLARKE: Yes.

MS SEYMOUR: Okay. Okay. Good morning, Commissioners, and thank you for the opportunity to present here today. I'm speaking against the proposal for the
5 expansion of Russell Vale and I am pleased to hear you reiterate multiple times that this is not a foregone conclusion. I'm speaking to you from Dharawal land and I pay my respect to Elders past, present and emerging. There's always to pay respects to traditional custodians of the land and it's particularly pertinent in this context, where we are – where we are speaking about land where Aboriginals have some
10 possibly 4000 cultural sites across the Illawarra. I am referring, of course, to the recent article on Whale Cave, where Indigenous people were just given access to the area, to find that there had been damage done. So I think it's – it's very, very important that we acknowledge our Aboriginal custodians.

15 Now I've always known that New South Wales does underground mining, but it's only recently that I've been aware – been made aware of the differences between longwall and bord-and-pillar. Now my newfound knowledge was due to the Sutherland Shire Environment Centre running a petition that they were taking to the New South Wales Legislative Assembly, to oppose the approval of longwall mining
20 under the Woronora River catchment. Now this came as a shock to me, as it did to many people. We were taking 30 second showers. We were collecting our grey water and we were trying to give our plants a little drink. At the same time, I was presented with a petition to stop mining under the catchment and I was made aware that this catchment was a special area that we could not go into and that water was
25 leaking out of the catchment.

This just seemed to me absolutely nonsensical. So I'm not speaking to you as any expert, I'm speaking to you as somebody that says, how can this be? So over the course of this petition, I made myself aware of the impacts of mining – longwall
30 mining and bord-and-pillar mining. You can imagine it's of little comfort today and yesterday, as I sat through every – and listened to every speaker. It's of little comfort to hear that it's okay, Russell Vale is bord-and-pillar. You know, at least it's not longwall, or it's less bad. However, if I refer back to Whale Cave, the damage done to the – to Whale Cave was done using bord-and-pillar method. So I'm taking 30
35 second showers and hearing that mining was going to go ahead under our water catchments.

I became really – let's call it surprised, and I spoke with other people, who had the same – the same level of surprise. So we started asking questions. The question was
40 something like, but why? And I was told, as in this situation, that it's the economics. That it's jobs. And that there's mitigation. So yesterday I listened intensely and part of me was really hoping to hear that the pros far outweighed the cons. So let's start with the economics. It just doesn't seem to stack up. It doesn't stack up at all. If we have, you know, a corporate citizen or if we have the Wollongong miners, as
45 somebody said, owing so much money and the only way that the sums in their proposal add up is if they pay taxes on all the profits, however it seems from

listening to yesterday that there is so many – they have so many losses that very little tax will be paid and we know this from many mining companies. They pay zero tax.

5 Okay. As far as jobs – and I’ve got to say, it’s been listening to people talk about their jobs from a personal point of view is very powerful and I say to the people that are talking to their jobs and looking at potentially not having some additional work if this mine doesn’t go ahead, I hear you. I too, have lost jobs. I watch my in-laws, who were farmers, go through generational change in farming and I’ve watched them face drought and – and face the impacts of climate change and these generational jobs are really important and they are very core to society and to communities. However, I listen, I hear you and I feel for you, but I still can’t hear the pros outweighing the cons. But this is not to say that I don’t understand your position and your desire to have work keep going.

15 I’ve also listened to local community members stand there and talk about the impacts of coal dust. One of the very first speakers spoke about the coal in her roof, or the impacts that it will have on their children or their grandchildren, that coal dust, and not being sure how much coal will be stored because past promises have been broken. So I listen to that and I think, well that’s not good. That can’t be – that can’t be a positive thing for mining or for the area.

PROF CLARKE: Ms Seymour - - -

MS SEYMOUR: I

25 PROF CLARKE: Ms Seymour, I’m sorry. Sorry, your time has expired but I understand - - -

MS SEYMOUR: Goodness me.

30 PROF CLARKE: - - - the Commissioners have a question.

MS SEYMOUR: I’m sorry, I didn’t hear the bell.

35 PROF CLARKE: That’s okay. The Commissioners have a question for you.

MS SEYMOUR: Sure, certainly.

PROF FELL: So just a point of clarification - - -

40 MS SEYMOUR: Yes.

PROF FELL: - - - the applicant says they’re doing first workings only and my understanding is that means bord-and-pillar without removing the pillar - - -

45 MS SEYMOUR: Yes.

PROF FELL: - - - and they claim that's leading to a much more stable mining environment. What's your feeling on that?

5 MS SEYMOUR: Look, I guess – you know, if somebody came to me when they first introduced the idea of mining under our water catchment and they said it's bord-
and-pillar, I still would have been really alarmed. And then when I'm told, well you
know, these guys are using bord-and-pillar and it's better than longwall, as
somebody said earlier on. It's just less bad. And if I refer back to Whale Cave, I
mean the destruction of Whale Cave or the impacts on Whale Cave were due to bord-
10 and-pillar. Equally, somebody else said, you know, that the – the profits from bord-
and-pillar versus longwall are sort of 30 per cent to 80 per cent difference and
therefore, you know, is it economically viable, and then you have the losses. Again,
I – so longwall, bord-and-pillar? Look, one is – appears to be less bad but how
would we actually know, if we cannot get into those special catchment areas to see
15 what the damage is consistently?

I myself went to Redbank Creek the other day, which was near where they were
doing remediation and honestly, that creek was a corpse. It wasn't just a creek that
didn't have water in it. It was dead. They were filling it with – filling it with
20 Polyfilla, to fix it up for later. But that was just the bit we could see. What about the
stuff to the side? What about the land, the impacts of that, the water runoff? I just –
you know, I come to this Commission as somebody who is not an expert, but cares
deeply that something feels very, very wrong here. You know, the impacts of
climate change, whether it's a bord-and-pillar or whether it's longwall, going under
25 our water is nonsensical. We were all made so aware of how precious our water was
last year. To put that at any risk at all, just to hope that things are going to be okay?
It doesn't add up. It does not add up, okay? How on Earth can you mine underneath
our precious water?

30 PROF CLARKE: Thank you, Ms Seymour. I think we're going to have to take a
break now. The Commission will resume at 10.00 am.

35 **ADJOURNED** **[9.40 am]**

RESUMED **[10.02 am]**

40 PROF CLARKE: Good morning. Are we ready to resume the public hearing;
everybody is now suitably caffeinated. The first speaker in this next session is
Alison Smith.

45 MS A. SMITH: Okay. Thank you for the opportunity to speak today. I'm speaking
from Dharawal Country, and I live in Wollongong, and I want to say, fairly simply,
that the expansion of Russell Vale Colliery will not benefit people in Wollongong,
and it will not benefit the people of New South Wales. It's true that coal started

being taken from the site of Russell Vale Colliery in 1882 but we are not living in 1882 now. For a long time in Wollongong we've put up with health problems, and their destruction of eco systems and cultural heritage caused by coal mining. We have put up with it because we knew that many people depended on their jobs in the mines to put food on the table, and because we've used coal for energy and for steel making but now, all over the world, coal fired power stations are closing, and we know that renewables are the cheapest form of new energy.

We know that globally a steel industry is transitioning to low carbon and zero carbon steel. We also know that the global coal price is dropping, and that miners are losing their jobs or getting reduced wages and conditions because of the global trends in the coal market, and we know that jobs growth, where we live, isn't going to be in the coal industry. There's plenty of good evidence that jobs growth will be in renewables and we know that if we don't get serious about green steel right now we're going to see zero carbon steel works in Europe, North America, China getting business that we could be getting here in Wollongong, and that change is happening now in steel works all over the world, and if we don't push for it here in Wollongong now we may not have a steel industry in years to come.

Expanding Russell Vale Colliery will harm the people of New South Wales, and funds paid to preschools won't mitigate that harm. I would like to note that these funds were not paid because Wollongong Coal wanted to perform an act of generosity; Wollongong Coal were actually ordered to make payments to community groups by the Resources Regulator so at least some of those payments weren't really in the nature of a gift, were more like something like a fine. I've listened to several speakers at two days hearing in favour of the expansion but I haven't heard any argument other than – any argument for the mine other than jobs in a dying industry – when there's good evidence that we can have serious jobs growth in renewables, and most people in New South Wales, this mine expansion gives them nothing but respiratory illness, heart disease and cancers, more traffic, a damaged water catchment, and more greenhouse gas emissions.

I listened carefully to the opening presentations from the department, and from Wollongong Coal; it all sounded very reassuring. We were told that there were plans in place addressing all the criteria and the conditions that the department had placed on the application mean that nothing will exceed rules or guidelines for this, that and the other. And we've been reminded several times that this Commission is not here to assess whether or not Wollongong Coal is a fit and proper person; there's another process for that, and what happened in that process was a finding that I have a bit of trouble understanding. The Regulator said that they don't have enough evidence to make a finding so as far as I can make out Wollongong Coal haven't been found unfit but they haven't been found fit either, and I extend my sympathies to the Commission trying to make a decision about an entity in that situation.

We can all say that we're going to do the right thing when we're dealing with something like this is whether we actually do the right thing. Wollongong Coal can say anything but what are they actually going to do? I think that in this case we

should take seriously the old saying that actions speak louder than words. The harm this expansion will cause far outweighs the benefits. It's not 1892 any more. We don't need to dig up coal from Russell Vale Colliery. We need long-term jobs in industries that have a future. This mine expansion will not benefit the people of New South Wales. That's all I have to say today.

MS McKELVEY: Thank you, Ms Smith. Are there any questions? The next speaker is Amy Stewart.

10 MS A. STEWART: Hi everyone. My name is Amy Stewart, and I live in Corrimal. My main points of concern are the negative impacts of the colliery on health and safety, the negative environment it impacts, and the damaging effects on Wollongong Council's push to attract more industry to the area. I'll start with the negative
15 impacts of the colliery on health and safety for the community. Russell Vale is a suburban area and it is not appropriate to be the location for an expanded colliery. It is the closest colliery to a residential area anywhere in Australia, and the dense community with over 24,200 people live in the surrounding five suburbs alone. This includes 11 schools, four nursing homes, and the Bulli District Hospital.

20 has suffered and particulate pollution from this mine for many years. Coal dust on window sills and walls, and coal stored in the colliery's land is an ongoing health issue even in non-operational times. The to expand the stockpile coal surface area increasing particulate pollution and the risk of respiratory and associated detrimental health issues. The older and younger members of this community will be
25 at particular risk. Wollongong Coal was to cease mining at Wangawilli in 2019 with huge job losses when the Regulator found it was not safe for workers. Russell Vale Colliery's mine workers recently raised concerns that the mine has been neglected by Wollongong Coal, and it will turn into a death trap. There have been a number of earth collapse incidents in the past 12 months alone.

30 Wollongong Coal also have a history of non-compliance such as the failure to realign and perform flood mitigation work on Bellambi Creek. In 1998 residents downstream were inundated by coal pollution, and the run-off due to flooding. Further examples of non-compliance include failure to build sound walls and
35 overstock piling of coal. Some negative effects on the environment include the plan proposes a third steam of coal to be mined beneath the two previously mined steams. The New South Wales government must be aware that mining under the water catchment that serves five million people of Greater Sydney is really an unacceptable risk. The mining expansion will drain the surface and ground water from the
40 Cataract Reservoir catchment. This reversing the effects of drought and climate change, reducing the abilities to sustain the region's unique native flora and fauna.

The draining of ground water and surface water caused by the mining could make the Cataract Reservoir catchment area a lot drier, and more flammable, increasing the
45 bushfire risk not only around the Cataract Reservoir but also along the Illawarra escarpment where there are a lot of homes. This is one of the areas that was not touched in the Christmas bushfires so we want to call that out how important this

area is. The damaging effects on Wollongong Council's push to attract new industry: A worker of Wollongong Council personally aligned the Invest Wollongong campaign. This funds part of an economic development strategy, having an ambitious target of creating 10,500 jobs; new high paying jobs over the next
5 decade. The campaign is marketed to businesses and families in Sydney, the ACT and Melbourne to consider Wollongong as one of the best places to live in the world. The Council's campaign highlights the natural beauty of the region, and emphasises the diversity of forest heights, range of flora and fauna and the strong Aboriginal heritage that we have.

10

I quote from their ads that, "Amongst your surroundings a tree is spectacular. We are living here and we made it you, your family, collieries and staff are at it too." I coal mining flies directly in the face of this quote. The council said the value of the unique biodiversity of the area and the community, whilst at the same time
15 they're willing to risk all of this for a five year investment that provides no local remuneration, and only brings 250 jobs to the area – sorry 205 jobs to the area. tech company, its head office is based in Wollongong and employs over 100 people in the area. The Wollongong Council a target market. industry and young families in 2020 do not see coal mining as a clean, sustainable industry so
20 why would they locate to Wollongong

20

Finally, in July of this year the Illawarra Mercury published an article stating that the State's mining regulatory have quietly shelved an investigation into whether Wollongong Coal is fit and proper to hold the mining licence but mentioned we
25 still don't know the outcome of these investigations, and the finding must be made freely available to the public before any real decisions are made. Thank you.

25

PROF CLARKE: Thank you, Ms Stewart.

30

MS McKELVEY: No questions.

PROF CLARKE: The next speaker is Ms Deidre Stuart.

35

MS D. STUART: Good morning, Commissioners and Council. I am speaking to you today representing my family. We reside in Wollongong and we desire a long-term, safe and prosperous future living in the region. I understand that it is your duty to make a decision on this project; that is consistent with the New South Wales Environment Planning and Assessment Act, which means consistent with the intent of that Act as outlined in its objects in section 1.3. I ask you to reject this project on
40 the grounds that it will fail several of these objects. New South Wales Planning Assessment Report spends less than one page discussing this project against the Act's relevant objects.

40

Their assessment is not only very limited, it is also very biased with misleading
45 claiming. For example, their assessment mostly compares the current proposal against earlier proposal versions rather than against no ongoing coal mining at

Russell Vale. Given my five minute remit here, I draw your attention to only the first two listed objects in the Act. The first object is:

5 *To promote the social and economic welfare of the community, and a better environment by the proper management, development and consultation of the State's natural and other resources.*

I point out to you the use of the word “and” rather than “or.” What this means is that even if you consider that the project promotes the social and economic welfare of the community, and I dispute this, the first object that your decision should be
10 consistent with promoting a better environment. Presumably, trying to address the better environment requirement of this first object, Planning’s Assessment Report writes that:

15 *The project would involve substantial improvements to the surface facilities operations to minimise noise and air impacts on the community.*

Clearly, as I said, this is comparing the proposal only to earlier proposal versions; this is an example of the false claiming I mentioned earlier. When appropriately
20 compared to a no coal mining situation this proposal cannot be argued to promote a better environment any of the other adverse impacts that you’ve heard about, it will contribute essentially to global heating, perpetuate fossil fuel use and further damage the water catchment and eco systems so this proposal fails to meet the first object. The second object is:

25 *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision making about environmental planning and assessment.*

30 The Australian National Strategy for Ecological Sustainable Development defines ESD as:

35 *Using, conserving and enhancing the community's resources so that ecological processes on which life depends are maintained, and the total quality of life now and in the future can be increased.*

And I’m sure you’re aware that there are some generally accepted principles of ecological sustainable to the environment which include an integration principle, a long-term perspective, a global perspective, intragenerational and intergenerational
40 equity, conservation of biological diversity and ecological integrity, harm prevention, precautionary and internalising externalised costs. I argue in my submission in more detail that this proposal is utterly inconsistent with these principles, in contrast to the Planning Statement that it is consistent. I listened to the proceedings yesterday; you said repeatedly you cannot consider whether the Wollongong
45 Council is fit and proper, however, I say to you that our government’s institutions at Commonwealth, State and Local levels are not fit for purpose, and this is the real

world we live in. This is the reality you need to include in your decision making when you're assessing whether this is going to facilitate ESD or not.

5 I also wanted, and I ask you, Commissioners, this; if the laws object is to facilitate ESD then does that require that approved objects should be consistent with ESD principles only or does it require that approved projects are consistent with ESD principles, and also facilitate ESD? This RV proposal is not consistent with the principles, and moreover there's no pathway proposed in this to a sustainable future. This is about short-term jobs in an industry that's dying which we all know that we
10 need to move away from so this proposal fails the second object as well. I ask, Commissioners, that your decision will be consistent with the objects of the New South EP&A Act, and that you reject this Thank you.

15 PROF CLARKE: Thank you, for your submission, Ms Stuart. The next speaker is Matthew Wall-Smith.

MR M. WALL-SMITH: Hi. Thanks for today. My name is Matt Wall-Smith. I'm the co-founder of the Seacliff Coasters. We're a community based in the North Illawarra, consisting of 350 members. As the founder and an organiser of this
20 community I have an interest in ensuring the public access to a continuous Illawarra Escarpment Conservation Area and trail network as it's described in the National Parks and Wildlife Service, the Illawarra Escarpment Management Plan of 2018. This existing continuous trail includes the areas of the Lower and Upper Escarpment Trails between Bulli and Balgownie, including Rixons Pass and Brokers Nose; this
25 is our home ground. This area is currently controlled by Wollongong Coal. This small section of trail, a length of approximately six kilometres, is blocked by the extension westward of the Russell Vale Colliery lease well beyond its actual field of operation.

30 The blocked section of trail prevents the opportunity to complete a continuous conservation area and walking trail network that would otherwise extend from Bundeena in the north to Berry in the Shoalhaven. The further expansion of these operations for a period of up to 37 years according to Wollongong Coal's annual reporting, will postpone realisation of this continuous reserve and trail network, and
35 all of the social, economic and environmental benefits that such a network would afford. A continuous trail network is the principal stated goal of the National Parks and Wildlife Services Illawarra Escarpment Plan of Management of 2018. In that plan they acknowledge the economic, social and environmental benefits of a continuous escarpment trail and reserve but the Plan of Management also, and
40 importantly, highlights the way small sections of discontinuity threaten the potential for new ecotourism businesses and services, public access witness and custodianship, and the survival of threatened species that rely on the continuous corridor for survival.

45 Wollongong Coal loosely prohibits public access to these areas, although until the recent expansion proposal no sign of Wollongong Coal or their representatives has been seen in the area extending west from the lower escarpment fire trail. Trail

motorcycle riders ride roughshod through the area, feral species are uncontrolled, and
lantana grows rampant. The company demonstrates no active custodianship over a
band of wilderness that is nonetheless bracketed by Illawarra State Conservation
Areas. The blocked section of trail imposes a virtual wall between the suburb of
5 Russell Vale and the Colliery Complex in the east, extending to the special water
catchment area to the west. There is no way to connect the Illawarra Conservation
Area is situated to the north and south of this section. This is a completely
unnecessary impost on the public amenity of this green corridor. The extent of
public usage and the use value of a sanction continues the Illawarra Escarpment Trail
10 is highlighted by the heatmaps that are generated by the Business Activity Login
Map Strava.

The extent of public use of both the lower and upper escarpment trails, and the
question of public amenity was ignored in the survey of residents made by
15 Wollongong Coal in their Project Information Sheet number 2 of May 2019. In
September 2020 members of the Seacliff Coasters made a change to the partition
highlighting the issue of public access and amenity raised by the expansion plan. We
received over a thousand signatures in 48 hours supporting public thoroughfare and
recreational use within this site. It's absurd that such a small populous section of the
20 Illawarra Escarpment and State Conservation area remains inaccessible and largely
unmanaged. The potential social, economic and environmental value of the
continuous Illawarra Escarpment Reserve and Trail Network will be indefinitely
undermined if this approval is given without a condition of public access, witness
and amenity.

25 As my included figures show these trails already exist and are well and passionately
adopted by the local population. Policing this access would be more difficult and
expensive than providing for public access and amenity along existing continuous
trails that we already use, and it is clear that given the fiscal state of Wollongong
30 Coal their apparent inability to meet even the current costs of remediation, the
geological and hydrological dangers of mining under special areas of the catchment,
areas which I'm not even allowed to run in, for this proposal to be denied. Should
the expansion be approved, regardless of these concerns, it should be with a
condition of public access to the Lower Escarpment Trail, and the area directly west
35 of it to the Upper Escarpment Trail, and with regard to the public amenity provided
by continuous Illawarra Escarpment and Trail Network. Thanks, very much, for
hearing me.

40 MS McKELVEY: Thank you, Mr Wall-Smith. I have a question. Has there
previously been a continuous trail walk through this area historically; are you
aware?

MR WALL-SMITH: Yes. This trail – there's already a trail that extends from the
Royal National Park, it's the Coast Track, through the Forest Track, to Sublime
45 Point. The only section that we're not officially allowed in is this six kilometre
section, and there is a fire trail through that section that Wollongong Coal has to
maintain for bushfire control.

MS McKELVEY: Thank you.

5 PROF CLARKE: And just a follow-up question there, would you have an idea of the number of people who might, you know, use or have access to use this sort of track?

10 MR WALL-SMITH: Hundreds of people a week are using the trails leading up to it, and they're turned around by the signs that you can see in my background, but many of use, because this is a virtual wall, simply continue along the existing trail. It's acknowledged by the local population that this is an unreasonable impost.

PROF CLARKE: Thank you, Mr Wall-Smith. I believe, Peter, you have a question?

15 DR WILLIAMS: Thanks, Mr Wall-Smith. It's sort of steaming off from that so just the continuous walking trail that's on the Illawarra Escarpment, so it's been blocked on the mining land itself; is that – is it actually mining land that the trail runs over but it's now been blocked?

20 MR WALL-SMITH: I can't speak to the ownership or the conditions of the lease. All I can say is that the Lower Escarpment Trail is above the pit-top areas, and signage up until about six months ago was very, very vague so we wouldn't have been able to tell when we were in the State Conservation Area or not. But certainly, no one from the mine has been seen on these fire trails for a period of 10 years, since
25 I've been running these trails.

DR WILLIAMS: Right. So the actual restriction or the prohibition of entrance has just been the last six months or it's been a longer term?

30 MR WALL-SMITH: Apparently it was prohibited before but these signs that you can see in my background, they have just gone up in the last six months.

DR WILLIAMS: Okay. Good. Thank you.

35 PROF CLARKE: Thank you, Mr Wall-Smith, for your submission. The next speaker is Howard Witt.

MR H. WITT: Hello. I'll just share my screen, thank you. Can you see that?

40 PROF CLARKE: It's still sorting itself out. Yes, we can now see that.

MR WITT: Thank you. Are you still there?

45 PROF CLARKE: Yes.

MR WITT: Thank you, for giving me the opportunity to speak at this topic hearing. I am Harold Witt. I am a retired Safety and Reliability Analyst from ANSTO, and I

also worked for several years as a private consultant engineer. I'm a part-time volunteer climate advocate for Citizens' Climate Lobby but this is my personal submission, and most importantly I'm a doting grandparent, and it's because of Ruth and other children, that I'm involved in climate solutions advocacy. After all, we
5 don't inherit the earth from our ancestors, we borrow it from our children. Now, I frame my expectations of the IPC by way of analogy to my work; safety culture as recognised in major hazard facilities. So just as background safety culture, an organisational culture, was first used by agencies in a National Nuclear Safety Advisory Group following the Chernobyl accident. Up to that time nuclear plant
10 safety analysis focused on safety system hardware and operator training.

Even systems of independent review and can become ineffective due to regulatory cut char. Government agencies initially created to serve the public interest, instead serving the interests of companies they are intended to manage. I
15 just can't quite see this. The independent – whoops – high integrity organisational culture and achieving high levels of safety is needed for that. The Independent Planning Commission, in my mind, has an equivalent role to a safety approval body for a major hazard facility. The management of major hazard facilities generally employ – appoint internal safety management committees to advise the management
20 on safety issues needing their attention, and assess the engineering details of plant changes, and coordinate staff involvement in safety training programs. There is expectation that the IPC would fulfil an equivalent role of a Safety Management Commission – Committee where the Parliament are the management.

25 There is no suggestion from me, in this presentation, that the IPC has not and will not act professionally and responsibly. However, the system in which you, and other bodies are allowing yourselves to be constrained, the first regulations terms of reference, legal technicalities whatever, appear to be such that nobody has the responsibility for future generations. Setting and limiting Australia's emissions to
30 the shrinking budget is not in anyone's scope. In contrast, industrial safety emphasises things like, "There's no – I knew there was a problem but I didn't speak up; that was not in my job statement." That's totally unacceptable culture, and at least undesirable situations, can you imagine how that would be treated after an industrial accident?

35 Dedicated and knowledgeable citizens, and citizens group are promoting the need to address climate change as an unfolding crisis; mostly with no direct personal benefit. However, this will remain a fringe issue unless the IPC and similar bodies are fully engaged in addressing and creating awareness of the implications and extent
40 of the already locked in, and projected climate change driven extreme weather events. A truly independent regulator, with integrity, does not accept their proposals, the ineffective scope or unrealistic time scales. Integrity and courage are needed to address our climate crisis for the sake of Ruth, and the rest of today's children. I'll leave the last words to Mahatma Gandhi:

45 *Silence becomes cowardice when occasions demand speaking out the whole truth and acting accordingly.*

Thank you, very much, for listening to me.

PROF CLARKE: Thank you, for your submission, Mr Witt. The next speaker is Elizabeth Boyd.

5

MS M. BOYD: Good morning, Commissioners; can you hear me?

PROF CLARKE: Yes.

10 MS BOYD: Thank you, and thank you, for the opportunity of speaking. I am speaking from the land of the Guringai People whose most famous son was Bangoree, and from which people we get the wonderfully named Ku-ring-gai National Park. I've been impressed over the last couple of days when I've had the opportunity to listen to many, many experts giving their submission. I'm a lay
15 person so – and I'm a retired high school teacher – so I've got a long-term interest in the future of the next generation. According to the Australian Institute of Health and Welfare 2019 – that's before the bushfires – the average number of deaths from air pollution in Australia was 3056 per annum; costing \$24.3 million in health expenses, the figures for those maimed and chronically ill from pollution – from polluted air – I
20 can't tell you. It's expensive.

The worst affected people come from five areas; there are five boxes to tick. (1) is city dwellers, (2) people living near motorways, (3) coal fired power stations, (4) people who live near coal transport corridors and (5) who live in coal mining regions.
25 We don't need the residents of Russell Vale and other suburbs in the Illawarra to be the canary in the coal mine; we know already what this kind of pollution does. How many of the five boxes will have to be ticked for them? We must not worsen the situation that they're already facing. They're our fellow citizens, and there but for go all of us. There are no safe levels of particulates; we all know that the science
30 is in. They settle deep into the lungs, and the further down in the lungs the more likely to be absorbed into the bloodstream. Children with asthma, older people with emphysema, the list goes on and on; the health risks are far too great.

Globally this is looking at about a minimum of about seven million people.
35 Australia's figures at over 3000 exceed those number of people who are killed in car accidents and on roads, and in exchange for what; some employment. In the really big picture it's very short-term employment. The IEA has warned that the falling demands for coal needs attention, and that coal – people who are involved in coal mining for their livelihoods need help during this transition. The whole industry
40 is dying, and this particular company itself looks increasingly like it's insolvent. With the global outlet that's local concern to our fellow citizens. Looking at the bigger picture than that, a global one, Australian see themselves as civilised, sophisticated and a fair society.

45 Well, that's becoming increasingly fanciful. We are unlucky to have had so many rocks and minerals to dig up whilst we've had a brain drain. South East Asia and East Asian countries call us the "quarry." Goldman Sachs have predicted that

spending on renewable power will outstrip oil and gas exploration and production for the first time next year. It's being driven by a winding gap in the cost of capital which raised it up to 20 to 25 per cent for oil and gas investment compared to three to five per cent for renewables. We've got green steel, we've got hydrogen, we've got The Paris Agreement which Tony Abbott said was aspirational but his foreign minister, Julie Bishop said it was a commitment. JFK said in 1962:

Those who make peace talk revolution impossible will make violent revolution inevitable.

Change that to protest. You and the IPC, you're our voice for our protest against this to be heard. After the dismaying decision over the where 23,400 people voted against that development, and I think 300 for, it still went through. We want to be assured that the Independent Commission is our independent commission so that our voices can be heard to your institution which is our institution as well.

If community consultation was truly being taken notice of, these approvals would – the consultation would be made before the approval, yet now we're having to raise our voice with the IPC because our voices are being ignored. Please don't let us think that we are wasting our time, and that this IPC hearing is just a pretence, and the decisions have already been made – being made. Please, I implore you to reject this heinous project. Thank you, for listening to me.

PROF CLARKE: Thank you, Ms Boyd. We do have one question. Chris?

PROF FELL: Just a point of clarification, the Environment Protection Authority has responsibility in this State for setting of standards for particulates in air, and in fact a year or two back it tightened substantially the requirements. I'm just wondering do you feel that these new standards are appropriate or would you go a lot further?

MS BOYD: I would go a lot further especially considering the medical experts that I have spoken to who have said there is no – no safe level of particulates; there is no safe level. One particulate in a cell can turn a human cell cancerous. It's absolutely appalling for children with asthma, older people with other respiratory problems. Respiratory problems are on the increase globally because of our burning of fossil fuels.

PROF FELL: Thank you.

MS BOYD: The standards – the standards of so many levels of governance in Australia at State and Federal level are well below standard, and some of the ministerial standards are well below standards as well.

PROF CLARKE: Thank you, for your submission, Ms Boyd.

MS BOYD: Thank you.

PROF CLARKE: Again, I'll reiterate – I've said this a few times, and I apologise for those that have heard it – we only have a recommendation at this stage from the department, that no decision has been made, and that is the role that the IPC is undertaking, and that public participation aspect that was just discussed is exactly
5 why these processes are occurring because the public interest must be considered, and weighed up against the other factors under the Environmental Planning and Assessment Act. The next speaker is David Moore.

10 MR D. MOORE: Thank you. Good morning, everyone. David Moore is my name, and I'm currently employed at Wollongong Coal as the Health, Safety and Training Manager, and I've been in that role for approximately two years so this morning I'd like to speak in support of the project, and just say a little bit about the health, safety and training aspects of our operation. During the last 12 months we have been
15 reviewing our safety management system in preparation for the recommencement of mining activities, and have now lodged a notice to the Regulator under section 129 of our intention to recommence mining. This has involved a review of each of our principal hazard management plans and principal control plans, along with the underpinning risk assessment for each plan.

20 In addition to the review of our safety management system by the Resources Regulator, we have extended an invitation to an external auditor to review, and audit our safety management system. This review is scheduled for the next few weeks, and will provide an extra set of eyes to review our systems, and give us feedback on further improvements that can be made. In addition to our safety management
25 system, we have recently been granted re-approval for our Training and Competency Management Scheme under order 34 of the Coal Industry Act 2001 and Coal Services. The Training and Competency Management Scheme describes how workers are informed about the safety management system, provided information, training and instruction including the induction of workers, and information made
30 available to visitors. It also describes the review of information, training and instruction on the management, and training records.

We have weekly meetings with our Strata Review Committee, In-Rush Committee and Outburst Committees. These committees monitor a range of preventative
35 controls to ensure we have a proactive approach to controlling any hazards in relation to these key areas, and maintain a low risk profile. While our current workforce is small in size, we have been focusing on the health and safety of our team members, and been ensuring that any hazards are identified before work commences, and are mitigated or eliminated prior to work commencing. This has seen a pleasing
40 improvement in the trend of our safety performance statistics, and I have noted some of the previous speakers talking about some of our previous safety record, and it's pleasing that we've – we're seeing an improving trend. This also highlights our risk based approach to managing activities which is also in line with our legislative approach of risk identification and management of identified risk.

45 Some recent work that has either been completed or is in progress, which has involved detailed risk assessment of risk, is the recent work in an underground

section of roadway known as The Cathedral. This work was completed with no reported injuries or incidents, and in addition we have recently completed assessment of the risk associated with our surface drilling project located in the Water New South Wales catchment area; this work has now commenced. Our approach to risk management rises from our SLAM tool for identifying on the job hazards, JSEAs for mid-level risk and qualitative and hazard type risk assessment for higher level risks.

These risk assessments are routinely conducted in all areas of our operation, including engineering, mining and environment. They examine risks related to harm people's safety and health, environmental impact, business interruption, legal and regulatory matters and reputational social impacts. We have been working diligently in the health, safety and training areas as we prepare for the transition from counter maintenance to full production. The ongoing health and safety of all of our people, including employees, contractors and visitors is our priority, and we will continue to work hard to meet our goals in these key areas. Thank you.

PROF CLARKE: Thank you, Mr Moore. I think the panel – does the panel have any questions; Peter?

DR WILLIAMS: Just – thanks, Mr Moore, just one question. You mentioned that you've seen an improving trend in the health and safety record at Wollongong Coal; could you just clarify or elaborate on that a little bit, please?

MR MOORE: Yes, sure. One of the measures that we keep an eye on is called the Recordable Injury Frequency Rate which is the number of recordable injuries which include lost time injury, medically treated injury and restricted work cases; Together they form a recordable injury. So we track that in terms of per million man hours worked so our current 12 month average for that particular statistic is 31, and it's – that's the one we've seen improvement on. The average for coal – New South Wales went up to 2019 is 14 so we're above that but our trend is trending down, and we're confident that we can at least meet that industry standard for underground coal mines in New South Wales so it's a good news story, and we're really committed to improving our safety performance throughout a whole range of different tools and safety implementations.

DR WILLIAMS: Yes, thank you.

PROF CLARKE: Mr Moore, I have a question. Just in respect – just to clarify an aspect of your submission – you mentioned that Wollongong Coal was taking regulatory steps to recommence full mining; that's obviously in anticipation of a development consent being granted, you appreciate that one has not yet been granted?

MR MOORE: Correct. Yes, that's right. We have to – there's obviously some work that we have to submit to our Regulator so we've submitted those within a timeframe that would meet the approval of the project should it go ahead, so yes, it's preparation work, I guess.

PROF CLARKE: Thank you, Mr Moore, and thank you, for your submission. The next speaker is Marie Flood. When you're ready, Ms Flood.

MS M. FLOOD: Is that okay?

5

PROF CLARKE: Yes.

MS FLOOD: Yes, good. Now, my name is Marie Flood, and I'm a civil Alliance. I object to the Russell Vale extension project. Now, there have been many submissions in this public hearing expressing distress about the inevitable damage that this project would do to ground water, surface water and biodiversity, and the of harms to Russell Vale residents. There's a damage to Aboriginal heritage, and unacceptable greenhouse gas emissions as well. Now, I saw all those objections to the one extension. My this morning a follow-on from the submissions about the exacerbation of bushfire risk by the proposed extension project. The Illawarra Escarpment are some of the few unburnt areas of bushland in the State of New South Wales following last summer's devastating bushfires.

Now, it's crucial that we preserve these eco systems of these areas which are the site of much threatened biodiversity. Yesterday one of the Commissioners asked were the bushfires more prevalent at the time of the Russell Vale Mine's operating compared to when it was in care and maintenance mode. Now, has received advice on the topic of a connection between mining under the special areas, and bushfire risk which I now will present. The advice is from Associate Professor Owen Price, Director of the Centre for Environmental Risk Management of Bushfire at the University of Wollongong, and it's as follows:

The Russell Vale Colliery Revised Underground Expansion Project suggests that an area of 50 square metres may be affected by long-term ground further down of between one to two metres as a consequence of mining activity.

1. Ground water causes a significant impact on the ground water dependent eco system such as repairing vegetation and swamps. However the dominant vegetation in the mining area is a eucalypt forest which is not ground water dependent, and so no impact is predicted by the mining proponents.

2. studies impact on ground water on these kinds of forests. The most relevant study is by Zulfigar in 2013 who studied the first fragments in the Nepean catchment, not far away, that had been affected by ground water extraction in birds. They found a dramatic reduction in tree bio-mass, leaf mass, and leaf production five to nine metres but not between two and a-half and five and a-half. This suggests that the forest in the area of Russell Vale are sensitive to a drop in the water table but if it's of two metres there would be little impact.

3. Even though modest ground water such as won't have a major impact on the long-term forest growth. It probably does reduce the tree's

ability to remain healthy through drought. That leads to a reduction in moisture content of the leaves, and if it falls below a certain threshold the leaves become flammable. This effect was probably the main cause of the huge extent of the forest bushfires in 2019/20. trees can survive without access to ground water but the studies mentioned would suggest that they are more likely to suffer drought stress and high flammability if their access to ground water is reduced. This is hard to quantify because there has been no study linking ground water to moisture content. In summary there is a potential for ground water draw-down to stifle fires burn and plant composition but it's not likely that the protected one to two metre predicted will have a substantial effect. On the other hand, this may be enough to make the forest susceptible to drought, hence lower moisture content of the leaves and a present bushfire risk. Now, there are thousands of homes within 20 kilometres of the area so this area – issue should be given serious consideration.

That's the end of Professor Price's statement. This statement will be provided with study references as a written submission, and I am – urge you to ensure the risks of bushfire are fairly considered. In closing I ask that with all the restrictions placed on you by our broken New South Wales Planning System, the panel reject this project in the interests of current and future generations. Please listen to the 25 scientists with expertise in hydrology, chemistry, geology and earth science, environmental and eco system science, and public health who during this year call for an end to coal mining in the Sydney River catchment. Thank you.

PROF CLARKE: Thank you, Ms Flood. We do have one question. Chris?

PROF FELL: I was just wondering was there any greater incidence of bushfires when the mine was working up until 2015?

MS FLOOD: I don't think Professor Price is addressing that specifically but I think his over-riding statement addresses the point of that connection between bushfires and mining.

PROF FELL: Thank you.

PROF CLARKE: Thank you, for your submission, Ms Flood. The next speaker is Anthony Lewis.

MR A. LEWIS: Hi. Hello, Commissioners. My name is Anthony Lewis, and I actually live in the LGA and I'm a member of the West Sydney Enviro Network – Environment Network, originally the – the water in 2014 concerned about the – basically the mining underneath the water catchment, and the water leakage that comes out the the and how that affects basically the water security of Sydney. So from my point of view one of the major issues – there's a lot of local issues, and I know other members who have spoken to that – and there are also major issues from a climate change point of view. I personally have those issues but I want to speak to which is believe you should reject this project but if you choose to allow it to

go ahead there should be some very significant conditions put on it. The Australian Institute put a – did an analysis in 2017 which showed there's 60,000 mines in Australia that were not rehabilitated or corrected, and in New South Wales at that time only one mine had actually been closed, rehabilitated and relinquished.

5

We're in a state now where this Wollongong Coal and this mine, I believe, are just trying to extend their licence and move on rather than actually doing the job that they're meant to do which is closing the mine properly, and rehabilitating and relinquishing it. That would cost them financially a significant amount of money; money they do not have, and in fact will just go broke, and I don't think that they should have that right to do that, and I don't think they should have the right to actually mine more coal for themselves over in India on land that is Australian, on the people and citizens are Australian, and we should be basically doing the right thing. Sorry, I'll Sorry, I was just – got interrupted.

15

So significantly it will drain the surface water, it will damage the eco system, and then we will be left as citizens to clean up the mess so I would put it to the Commissioners to reject this approval, and put a statement and legal lien, l-i-e-n, on Wollongong Coal to actually rehabilitate their sites, and relinquish them back to Australia and its citizens so that we can get on with having a better society and eco system. Thank you.

20

PROF CLARKE: Thank you, Mr Lewis. No questions, thank you. The next speaker is Madeline Goddard.

25

MS M. GODDARD: Okay. Thank you, for your time today, Commissioners, and listening to my objection to the Russell Vale proposed coal mine expansion. I'm a local resident, living just a few kilometres away from the proposed expansion. I have a young family, a four year old, and we're hoping for a second. I'm also an environmental scientist working towards my PhD, and I've worked with the United Nations Program on resilience in coastal communities to climate change in some of the world's most vulnerable countries.

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I add this to point out that the decisions we make today have far-reaching effects, and after last summer's bushfires we are feeling the effects of a changing climate very close to home. My concerns centre largely around the unjust burden projects like this place on the local community, our broader community and upon future generations. In keeping this as brief as possible some of the reasons for my objections are the damage to the Greater Sydney Water catchment; our water catchments are a critical public and the degradation of such an essential resource for the benefit to a few with a short-term outlook, is not in the public interest.

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And frankly, it's shocking that such a proposal be brought in such an important area; one that forbids public access due to its sensitivity and strategic importance giving it a special area status. The mining expansion will drain both surface and ground water from the Cataract Reservoir Catchment; this de-watering and exacerbated by a drought and climate change will impact the biodiversity and increase bushfire risk to

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the area, as the bushland will be drier and more flammable. This increase to bushfire risk is not only around the Cataract Reservoir but the adjacent Illawarra Escarpment putting residents of the Illawarra community at risk.

5 Additionally, the ongoing nature of the damage to the catchment places an unfair
burden upon future generations with drinking water lost from the proposal extending
decades into the future. This temporal point features my second major concern
around the issue of climate change as the extraction and use of coal from this mine
will have broad impacts again, reaching far beyond the life of the mine. It is
10 estimated that if the Russell Vale Coal Project goes ahead, over 300,000 tonnes of
carbon dioxide equivalent per year will be emitted. And additionally, it's not only
the carbon dioxide being emitted; lots of methane would also be released into the
atmosphere which is another powerful greenhouse gas. This flies in the face of the
steps we need to take to address the current crisis we, as a society, are facing to
15 ensure that our children, and theirs, have a diverse and safe future.

Supporters of the mine would put jobs for the community, and yes, we do need
jobs, however, 205 short-term jobs is not the answer we need. I ask you to reflect
upon the industries that we've left behind from whaling in 18 and early 1900's,
20 there's a major part of industry in this part of the world, and globally, yet in Australia
we ceased it entirely over 50 years ago. The steelworks in Wollongong used to be
the number one employer in the Illawarra yet in 2016 healthcare and social assistance
employed over 13,000 people followed closely by education and training; with
mining way down the list, it was only 1700 people.

25 Some people have argued that the mines existed for over a hundred years, and while
these histories are real, holding onto them as identities and even mythologising them,
resist an innovative and brighter future. A just and more equitable world of what we
need to be seeking; I want nothing more than a safe and diverse world for my child,
and all children to enjoy, and find meaningful work here. I will be submitting a far
30 more detailed written submission against the mine expansion but I thank you for your
time today to listen, and to seek – seriously consider these major concerns of ours.
This is the community who are largely, and absolutely rejecting this proposal. Thank
you.

35 PROF CLARKE: Thank you, for your submission, Ms Goddard. Our next speaker,
I'm going to have to apologise in advance, I have a feeling I'm going to mis-
pronounce your surname terribly, Tim Siegenbeek Van Heukelom; is that even
vaguely close?

40 MR. T. SIEGENBEEK VAN HEUKELOM: That's great, thank you, so much.

PROF CLARKE: Thank you.

45 MR T. SIEGENBEEK VAN HEUKELOM: do you see that?

PROF CLARKE: Yes. Yes.

MR T. SIEGENBEEK VAN HEUKELOM: All right. Commissioners, thank you, for giving me the opportunity to object to the proposal for the extension of the Russell Vale Coal Mine. I'm and I followed with great interest a range of arguments against the proposal were largely on the grounds of environmental, health and climate change concerns. I would agree with most of these concerns, however, today I would like to talk to you about the social concern. I will raise public amenity or simply put public access to our escarpment. You've already heard from my fellow Seacliff Coaster, Matt, earlier today, who described for you the importance of the Illawarra Escarpment as a green, vital corridor which is from Sydney, past Wollongong all the way south.

But most importantly he spoke to you about what we best. We are runners. We are more than Illawarra trail runners. We sustainable impact the creation. We run to disconnect from the digital world. We run to connect with the land. We run to leave behind our own lives just for an hour or so. We run for our mental health and to be physically fit and feel great; we simply run.

We run the many fire trails and tracks on the Illawarra Escarpment, and we've been running for a very long time. And here in this fight you can see where we run. The amount of running we do in the Illawarra Escarpment is clearly visible on this global heatmap which is a Strava, which is the foremost tracking software used on many maps. On this map you can see light blue, blue and red lines which respectively indicate running routes used slightly, moderately and heavy. And I would like to draw your attention to the Illawarra Escarpment State Conservation Area highlighted, and in particular to the start of the lower just indicated by a green arrow. As you can see, this fire trail is dark red going south. This indicates heavy usage by runners and hikers. But only two kilometres onto this trail, we run into a problem, literally.

A virtual wall, so to say, has been imposed by coal. A gate and a newly-erected sign indicate no access and threat of prosecution for those who do. And as Matt has already pointed out, before the new was erected and probably still today, runners simply ignored the threats and keep on running. They know that this part of the Illawarra Escarpment State Conversation Area is simply too beautiful to deny the local community and the public at large access to it. We have been running as de facto custodians of the land up to Brokers Nose – up to the lookout. We have been doing that for years. We stick to the fire trails and we look after this area. We know this area like no other. We are the true stewards of this part of the escarpment.

But we're not allowed to enter. So when the new sign showed up, we approached Wollongong Coal and asked them for access. Unfortunately, a blanket refusal was all we got, and we wonder why. Wouldn't it be a great opportunity to Wollongong Coal to leverage the existing stewardship of local residents to look after the area? And at the minimum, if you think about it, wouldn't it simply be a great public relations opportunity? Apparently not. So I wondered what can we do. Well, we can ask our fellow runners and fellow local residents if they want access – if they

want public access to this area. And, of course, what else can we do to oppose the coal mine expansion proposal? So that's what we did.

5 As Matt already noted, we launched a change.org petition to ask people to support
our case for public access to this part of the Illawarra Escarpment State Conservation
Area. Within 48 hours, the petition hit 1000 signatures, and currently over 1275
people have signed the petition to ensure public access to the lower escarpment fire
trail for sustainable recreation. So, Commissioners, today I call upon you to reject
10 the coal mine extension proposal to enable us to keep enjoying and caring for this
magical, natural environment. We believe that bush should be remediated and
returned to public use. We want access to our escarpment. We want to look after
it. We want to care for it and we want to celebrate it.

15 But if you move to decide this coal mine expansion proposal to go ahead for some
reason, we implore you to make it conditional on granting public access to the fire
trails in the area. It should require the New South Wales Park and Wildlife
Service and community representatives – for instance, members of the Seacliff
Coaster – together to work on a solution that grants public access that benefits all
parties. The petition signatures and comments will be included in my written
20 submission. I thank you for your time and wish you wise deliberation on the
outcome of this proposal.

MS McKELVEY: Thank you. I will wait until you finish sharing your screen. We
do have some questions.

25 PROF FELL: Sorry. Just a point of - - -

MS McKELVEY: Sorry. You first.

30 PROF FELL: Just a point of clarification – is the restriction a result of the
catchment authority declaring this a special area, or Wollongong Coal Limited
simply saying it's off limits?

35 MR SIEGENBEEK VAN HEUKELOM: From what we understand is that
Wollongong Coal is simply saying it's off-limits. That's our understanding, and
we've approached Wollongong Coal to get access to this area or at least to formally
get their approval to run on the existing fire trails, and they said they can't – they
don't want to do that.

40 PROF FELL: Thank you.

PROF CLARKE: Thank you, Tim. I won't attempt to pronounce your last name.
My question was very similar to Professor Fell's, so we're good there. Thank you.

45 MS McKELVEY: Thank you. The next submission is from Bruce Steel.

MR STEELE: Good morning, your Honour. Firstly, I would like to thank the commission for enabling me to speak at this meeting. My background is that I'm a fellow of CPO Australia with over 30 years of experience in finance. I have a neutral position on the coal mine expansion, but recommend two financial measures to protect Australian taxpayers, and I have one community-related recommendation. Also, I have a more detailed discussion in my written submission and would welcome any questions.

Firstly, I recommend that the IPC refer the financial statements of Wollongong Coal Limited to the Australian Tax Office for potential breaches of international transfer pricing tax laws. Secondly, I recommend that the IPC include a development approval condition that Wollongong Coal maintain a trust fund to fully cover the rehabilitation cost of the Russel Vale mine site following mine closure. My third recommendation is that the IPC include development approval condition that Wollongong Coal open up the lower escarpment trail for controlled access by bushwalkers, runners and other users. They should be required to work in good faith with the New South Wales National Parks and Wildlife Service to achieve this.

Recommendation number 1 is about Wollongong Coal's transfer pricing arrangements with their overseas parent company and associated companies. The WCL annual report for the year end of 31st of March 2020 indicates a possible significant breach of tax laws that I believe should be referred to the ATO. The tax law requires that international transactions between related companies are made at the equivalent of an arm's length. There are two very significant transfer pricing transactions for Wollongong Coal that I draw your attention to. Firstly, Wollongong Coal has loans of \$1.065 billion from its offshore parent company and an associated company. The 2020 annual report states that JSPML and JSPAL working capital facilities of \$495 million are unsecured, interest-free and repayable on demand in cash.

Given Wollongong Coal's current weak financial position, I would expect to see a very substantial comparative arm's length interest rate on this unsecured loan. For example, the loan of half a billion dollars made at 5 per cent interest – the annual interest expense would be \$25 million per year. Secondly, sales of coal – sales of coal from Russel Vale at benchmark prices would be valued at around \$200 million per year or 12 billion over the life of the mine. Sales will be mainly made to related overseas companies. So again, transfer pricing is important. The annual report discloses an expected 23.5 per cent price discount to benchmark for Russel Vale coal sales. The price discount off the benchmark is worth roughly \$47 million per year or \$2.8 billion over the life of the mine. Does this sales price discount pass the ATO's arms length test? Only the ATO can determine the compliance of these transfer pricing arrangements.

Recommendation number 2 – I recommend that the IPC include a development approval condition that Wollongong Coal maintain a trust fund to fully cover the rehabilitation cost of the Russel Vale mine site following mine closure. Wollongong Coal's financial situation is currently very weak, and I expect it will take decades of

successful, profitable mining to become strong and resilient. The Russel Vale Coal Mine also faces some significant financial risks to its profitability. These include pricing risk, exchange rate risk, production cost risk, regular risk. But perhaps the largest risk relates to climate change. There is a very high risk that the Russel
5 Vale Colliery will become a stranded asset as the world rapidly moves towards green steel, abandoning the price of coal will fall dramatically, and the assets of Wollongong Coal will lose significant value. In this scenario, will Wollongong Coal have both the ability to fund restoration, and the will to do it, or will Wollongong Coal simply declare bankruptcy and pull up stumps, leaving the Australian taxpayer
10 to bear the cost of site rehabilitation? The trust fund is a means to mitigate this risk.

MS McKELVEY: Thank you for your - - -

15 MR STEELE: Recommendation number 3 - - -

MS McKELVEY: Sorry, Mr Steele. You've exceeded your time limit. I understand that the last issue you were going to raise is - - -

20 MR STEELE: Thank you.

MS McKELVEY: - - - along the lines of the previous speaker; is that right?

MR STEELE: Correct.

25 MS McKELVEY: To open up the lower escarpment. We've heard a couple of people say that, so - - -

MR STEELE: Yes, that's right. That's fine.

30 MS McKELVEY: - - - you can take it as read that that submission is understood. Thank you so much.

MR STEELE: Yes. Thank you. Thank you.

35 MS McKELVEY: The next speaker is Isabella Gould.

MS GOULD: Hi. To begin, I would like to pay my respects and acknowledge the traditional custodians of the land on which we meet today. For me, that is the Watiwati people of the Darong nation. I would like to thank the Independent
40 Planning Commission for allowing me the opportunity to speak in opposition to the Russel Vale Underground Expansion Project. I was born and raised in Wolli, and I am very passionate about my local community and environment. In the last two years, after graduating High School, I have devoted a lot of my spare time towards actions and initiatives which aim to protect and nurture our environment for
45 generations to come. Based on these principles, as well as concern for the health of my community, I am very opposed to the Russel Vale Colliery Expansion Proposal.

I will touch briefly on the environmental impacts of the proposal, but mainly speak on the of coal particulate pollution to our community.

5 The Russel Vale Colliery Expansion would continue the mining of metallurgical coal
beneath the special areas of the Greater Sydney Water Catchment – areas that forbid
public access because of their sensitivity and importance. If I were to try to enter
these special areas – say, for a bushwalk – I could be fined up to \$44,000 as an
individual according to Water New South Wales. The fact that these areas have been
10 so strictly protected even to bushwalkers makes it an appalling juxtaposition that this
proposal could go ahead. An expansion could lead to the continual dewatering of
this area with the dry conditions being intensified by drought and climate change.
This special area will lose the ability to sustain native plants and animals. There will
also be increased bushfire risk not only around Cataract Reservoir but also along the
Illawarra Escarpment, which is barely 100 metres from some suburbs in our
15 community.

The Russel Vale Mine is the closest mine to any built up residential area in Australia.
As part of the proposal, coal would be trucked from Russel Vale along Bellambi
Lane and then the northern distributor to Port Kembla Coal Terminal. There would
20 be up to 32 truck movements per hour. The coal trucks will cause coal dust or
particulate pollution along the trucking route, as well as particulate pollution from
the three coal stockpiles back at the colliery, exacerbated by the windy conditions in
the northern suburbs. It is well-documented that coal particulate pollution increases
human morbidity and mortality from respiratory and cardiovascular disease, and
25 especially impacts the most vulnerable in our community. Both Aspect South Coast
School and Russel Vale Preschool are within a couple of hundred metres of the
entrance to the colliery and would be subject to the pollution from the coal
stockpiles.

30 The following schools are around 100 metres from the northern distributor on the
coal truck route and could also be subject to particular pollution from these trucks:
Towradgi Public School, Kiera High School, Wollongong High School of the
Performing Arts, Para Meadows School, Greenville Public School, Wollongong
West Public School, Mount St Thomas Public School and the Illawarra Grammar
35 School. The children that currently attend these schools and will attend these schools
in the next couple years are likely to be subjected to health risks due to particulate
pollution, which will be a direct result of this proposal going ahead. Just in this point
alone, there is no denying that this project is detrimental to our community.

40 This proposal has very limited short-term outcomes which will add to the
catastrophic impacts of climate change around the world and severely impact the
health and environment of our local area. As a young person, I am acutely conscious
of the actions that the government is taking that may put my future on a downhill
slope where last summer becomes the new normal and where I am questioning
45 whether it is ethical to have children. I thank you for your concentration today, and
please ask that you reconsider this project, as if approved, it will become a stepping
stone to a future that we cannot survive. Thank you.

MS McKELVEY: Thank you, Ms Gould, for your submissions. We have no questions. Thank you so much. The commissioners are going to take a break now until midday just for refreshments, and we will rejoin you at that point.

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ADJOURNED

[11.17 am]

RESUMED

[12.00 pm]

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MS McKELVEY: Welcome back. I think we're just about ready for our next speaker. Ben Huda, if he is available.

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MR HUDA: Hi. I'm Ben Huda, a local resident in Wollongong. I'm here today in a personal capacity to express my personal views. In my work life, I'm a co-founder of a company employing 250 people globally. All that company does is make investment decisions on a daily basis. To evaluate an investment proposal, you have to scrutinise the costs and benefits, but you also have to look at the character of the proponent and evaluate their honesty and integrity and commitment to deliver upon their proposal.

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Why does this matter? Because the State Department of Planning, Industry and Environment believes, and I'm quoting, that the economic benefits of Wollongong Coal's revised underground expansion project outweigh its residual costs. So let's have a quick look at the report they base their decision on. The supposed benefits are outlined in the 942-page report produced by Wollongong Coal. In my personal view, the section outlining the economic impacts completely misrepresents the facts about the proposal. They market \$174 million in net present benefits. The first thing to note is they attribute \$57 million of benefit to delaying the rehabilitation of the existing mine for five years. Come on. There is no \$57 million benefit of delaying rehabilitation. That is just a quirk in discounting future cash flows. That is clearly not a benefit for the community. It's just a stay of execution for Wollongong Coal.

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This is a company that has negative equity of over \$1 billion. That means if you sell its assets and try and repay its existing debts, you will be over \$1 billion short. This is a company that does not have any money to rehabilitate what it has already done, and yet we are planning to let it cause more damage. We need to cut our losses and not allow them to rack up more. The crazy thing is this is not the most disturbing claim. The company earmarked \$120 million of future corporate taxes. This is a company that has not paid one cent of corporate tax in years and will use past losses to not pay corporate tax going forward while they transfer the coal to their parent company via Mauritius, which is a tax haven. In the 942-page report, they use one line to avoid disclosing any of this, and I quote:

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This is based on the assumption that all profit generated by the UEP are subject to company tax in Australia.

Now, after saying they will pay company tax of \$120 million, which they will not, they say there will be a net producer service of \$112 million, which is just profits. They then say that 35 per cent of shareholders are based in New South Wales, so 40 million of that can be allocated to New South Wales as a benefit. That's completely
5 incorrect. There's no value in the equity of Wollongong Coal. That's why it traded at basically zero on the ASX before it delisted. Wollongong Coal are selling their coal to their parent company, and that is where the profits will go.

The benefits in the report do not stack up to scrutiny, and so it's very disappointing
10 that the imagined benefits were used as the basis for that recommendation. When it comes to costs, we've heard from lots of other concerned community members, so I don't really want to cover those any more. So my final point is that we have to consider the character of Wollongong Coal when making this decision. To do this, you need to look at the parent company, Jindal Steel and Power, as Wollongong Coal
15 are unlikely to be around to honour its commitments. The company has been plagued with allegations of cheating and corruption. Let's just look at the last couple of months of data. On the 21st of September, Jindal stock fell 12 per cent in India when it was linked that Deutsche Bank filed numerous suspicious activity reports about Jindal with a US regulator, which involved transactions in Mauritius. On the
20 21st of August, Mr Sharman, an MD in Jindal gave an interview. Let me quote some of that published interview, to see how much Jindal care about coal mines and their workers. When asked for his outlook on coal, he answers:

*Coal is not the talk of the town now, the reason being that is available in
25 abundance and after 2050, coal will not be required around the world.*

Talking about the Indian government, he says:

*The government needs to sell the coal under the ground to utilise and take
30 leverage of the situation, otherwise it may remain buried under the ground for another billion years. So it is good that CIL –*

That is the government miner:

*... increases production. In increased production, there is no need for having
35 private mines. The need for privately-owned mines come only if CIL does not increase coal availability to meet the demand. Why should the private industry like ours put our heads inside the mines, this being accompanied by many
40 hassles with multiple clearances. Let CIL do its business and supply coal to everybody.*

He then goes on:

*We are not interested in mines. We are interested in coal at a price that keeps
45 energy affordable.*

What is the takeaway? Jindal don't care about our community. They don't care about the local workers with their heads inside the mine. They don't care about their legacy here or the future costs our children will pay. They care about getting their hands on cheap coal. For the sake of our future generations who analyse our
5 decisions now and hold us to account, let's not let that happen. Thank you.

MS McKELVEY: Thank you, Mr Huda, for your submission. The next presenter is Joanna Bradley. We can't hear you, Joanna. If you could unmute.

10 MS BRADLEY: Hi.

MS McKELVEY: Thank you.

MS BRADLEY: Hi. I'm from Sutherland, and I'm an Australian citizen, and I
15 would like to speak in opposition to this mining proposal for a few reasons. The federal government has previously made the assumption that mining in a water catchment is acceptable. On the other hand, the New South Wales government acknowledged to the general public in 2012 that mining should be prevented from occurring in sensitive areas. Many animals and plants will be affected by permanent
20 changes to the surface. The remediation practices such as using resin for repairing fractured rocks only provide a comparatively short-term solution when ancient geological structures underneath them are permanently damaged. This surface sandstone is 180 million years old. Temporary remediation, putting resin in fractures, is not a good enough fallback measure when the surface dries out and
25 subsides. All of the coal from this mine goes overseas to India. While I agree that India needs construction steel and reliable electricity, I assert their needs must be met some other way – certainly not at the risk of our future water security. Nothing should come at the risk of our future water security. I'm sharing screen now.

30 Dharawal National Park was gazetted in 2012 to truly protect the sensitive area from mining damage. In the words of our own government agencies – I can't get – anyway, on this slide – human influences such as underground mining or excessive water extraction can damage these upland swamps. Subsidence following underground mining can result in fracturing of the sandstone underlying the creeks,
35 diverting flows underground. That is why in 2012, the New South Wales government gazetted Dharawal National Park to prevent mining in this naturally and culturally significant area.

The New South Wales government explains to the Australian public why mining in
40 the catchment is so damaging and should be prevented, therefore the only right thing to do now is to immediately cease all coal mining within the catchment. Local jobs are important, but the jobs supported by the mines are not more important than the water security of generations of Australians to come. The potential for things to go wrong is too large. Based on our history, no one can guarantee that the swamps and
45 streams around the Russel Vale Mine will be undamaged. The Department of Primary Industry and Environment have a list of animals and plants vulnerable to extinction that depend on surface water remaining in place. That includes the coastal

upland swamp, threatened ecological the giant dragonfly, the Little John's treefrog, the giant frog, the red-crowned toadlet already mentioned here yesterday, and the bearded bush pea.

5 Water isn't the only way species can be impacted. Species that live in caves are threatened – cave-dwelling microbats and the broad-headed snake, for example – all this coming from a government agency. Another reason that mining in the catchment should cease immediately is that research science has been compromised or is non-existent. When – when has there been an independent third party able to
10 freely research the ecology community in the special areas? We can't go in there. Please look at the bigger picture here. The idea of mining the water catchment just doesn't pass the pug test. The general public now believe – they really do – that the fines for trespassing in the catchment are in place mostly to protect the mining companies from regulation. So many times here, you have mentioned the proper
15 legal processes for the general public to make complaints against the mine, and so many times really serious complaints have been made against the mine. How can we raise the alarm if the only people allowed into our water catchment are the ones who put it at risk?

20 The ideal solution, according to the government in 2012, would be to cease all mining in the water catchment immediately. But I understand that as with Wollongong Mining come subsidence, and so with an application comes permission, and with that permission comes a license. And with that license comes acceptable losses, and with those acceptable losses comes permanent damage to our precious
25 water catchment. So today I ask you to do whatever you can within your power to open up these special areas to concerned citizens and to please protect all independent third party researchers from vexatious litigation. And I ask that you work hard to make this whole situation more transparent and honest.

30 MS McKELVEY: Thank you for your submission, Ms Bradley. The next speaker is Mitchell Roland.

MR ROLAND: Yeah. Good afternoon. My name is Mitchell Roland, and I'm representing myself today as both a resident and as an employee of Russel Vale
35 Mine. I'm in full support of the Russel Vale Mine expansion. I have a background in mining that stretches back 14 years to a second generation 18-year-old boy who commenced working locally in the underground metallurgical mining industry. I now work as a ventilation mining consultant in the local area, which includes work at Russel Vale Mine. My purpose for speaking today is to show the panel a living and
40 breathing example of how coal mining can provide for local people in Illawarra.

Firstly, I currently live in Corrimal, an approximate five minute drive from the entrance to the mine. I'm expecting my first child in less than two weeks time with my wife, and I'm currently building a home for our family to live and grow in, also
45 located in Corrimal. The opportunity to work at Russel Vale will allow me to bring my child into this world, into a time of uncertainty, into a home with adequate provisions for an upbringing. Working at Russel Vale Mine enables me to employ

local builders to help me build a home. Builders can live in the very neighbourhood. It enables us to visit local restaurants, coffee shops and retail outlets. It's a fundamental building block of my existence in Illawarra and many other people just like myself.

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It allows me to provide for my immediate family members who have recently suffered job losses from the COVID crises. I am able to provide for multiple people as a result of the mining industry in Illawarra, specifically from the Russel Vale Mine. So my wife completed a PhD at the age of 27, ironically completed her studies with a report on accountability regarding climate change and displacement. My wife also supports the expansion of the mine.

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The fundamental sustainability pillars, of which there are three, consists of social, economic and environmental factors most recent global sustainable development goals emphasise the need for regions to manage economic, social and environmental development together. This does not mean sacrificing economic opportunity for the sake of environmental wellbeing, but to find a way to manage them in the most sustainable way with and negotiation from all the parties. A major example of this, the Russel Vale Mine, includes the mining method, which is purposely designed to and will eliminate the impact of mining underneath existing water sources whilst at the same time producing jobs for our region. This mining method is certainly not the preferred mining method from an economic viewpoint. However, it's the preferred mining method when considering the economic, environmental and social considerations. This is a concession made by Wollongong Coal to allow for mining to take place in Illawarra while managing these needs.

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To judge a proposal from an overarching viewpoint, given that in this instance, metallurgical coal is the product of the proposed mine expansion, I think that all persons, including those opposed to the expansion, need to accept the reality – that is, this product is still required at the present time to generate commodities utilised every day by all persons, including those who have spoken over the past two days. All speakers so far have demonstrated a clear admission to the supporting of the metallurgical coal industry with their raft of metal-based technology used to argue against, ironically, metal-based technology.

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One constant in the world is the current need for metallurgical coal. The Russel Vale expansion debate will not change that. However, it will allow us to safely produce coal here in Australia in a highly regulated industry with some of the most stringent mining controls in the entire world and undoubtedly the safest mining controls in the world. I think it's in everyone's best interest, even those who oppose the submission, to allow it to happen here under our close watch where we can adequately control the impacts to the environment as demonstrated – which may be overlooked in other regions of the world.

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Firstly, over the past 14 years, I have worked at 22 underground coal mines, spreading from North Queensland to Tasmania and everywhere in between. I have observed and audited various standards at these mines, and I am qualified to

comment that Russel Vale Mines underground standards and commitment to the environment are in line with industry-leading practice. I am also qualified to comment that Russel Vale's CO2 and methane emissions are far less than industry average despite some of the hearings from persons over the last two days. And I
5 would certainly consider Russel Vale to be a non-gassy mine. Whether people want to hear it or not, this is the in comparison with the majority of underground coal mines in New South Wales and in Australia. I am proud to be a local coal minder and a supporter of the local community and please ask that you consider mining to recommence as it has done in the past here in our mining town. Thank you.

10 MS McKELVEY: Thank you for your submission, Mr Roland. The next speaker is Hilary Green.

MS GREEN: Okay. Thank you. Can you hear me?

15 MS McKELVEY: Yes.

MS GREEN: Thank you. Okay. I'm just trying to share my screen. Can you see that?

20 MS McKELVEY: Yes.

MS GREEN: You can see my screen – the submission to the IPC.

25 MS McKELVEY: Yes.

MS GREEN: Thank you. Okay. So thank you very much. Good afternoon, Commissioners. Thank you very much for giving me the opportunity to speak at this hearing. I would just like to get another document up. Never mind. I won't. So my
30 name is Hilary Green. I'm from Mona Vale in Sydney, and I have a PhD in statistics. I no association with Wollongong nor do I have any association with coal mining. You might be hearing more from people, then, in the IPC because of the push to allow – to, I guess, exploration of the coast here to go ahead. But anyhow, that's not the today.

35 I believe you will have a very difficult job in deciding who to – which way to decide for this project from – I have heard many, many of the submissions, and what I can see is there are pros and cons. The pros are that there will be some direct jobs – an estimated 205 jobs in the mining part of the project, and an estimated 800 jobs
40 elsewhere in the area. And there will be some economic – supposed economic benefit to New South Wales. The cons, you have heard a lot about the cons. There is pollution of – the noise pollution, the air pollution and coal dust everywhere, the loss of amenity to the area, particularly to those close by the mine. There's a huge risk to the water supply. You've heard a lot about that and the environmental
45 damage. Approving this project, of course, ignore the effects of climate change and the effect that we have on climate change worldwide. It will increase our emissions,

therefore making it harder for us to meet our – what we've said we'd do. And it's also setting a precedent for further development.

5 The – Wollongong Coal has explicitly stated that the purpose of the proposal is to
pave the way for a much larger expansion of mining around the Cataract Reservoir
and to its west. So this is not the end of the story. Wollongong Coal did take out a –
had a consultation with the community. They had a few, I believe. And this is what
they found: the negative categories are in blue, and the positive ones are in green.
10 So we can see that there is local employment and community contributions. I think
Wollongong Coal puts money into the community. But otherwise, all of the
comments there were quite negative. So the decision you will make today will
disappoint one of the two groups of people, who are quite heartfelt in what they are
presenting to you. And they have been trying to influence your decision and provide
15 evidence to support their case. I commend all of the people who have made
submissions. I think they have all done so in good faith, and I have learned a lot. So
one set of folk are going to be very disappointed. So let's have a look, now, at the
pros for this – is that the end?

20 MS McKELVEY: You have a minute to go, Ms Green.

MS GREEN: The pros. Okay. So we've got some jobs. So there's supposed to be
205 jobs and plans of 800 indirect jobs. So there is eight per cent unemployment
people at the moment in Illawara. That makes 13,200 unemployed. Therefore, the
25 number of workers in Illawarra is 165,000. And if we get 1100 jobs, and that's being
generous, there will be 12,100 unemployed and the new unemployment will reduce
to 7.3 per cent. If we just take into account that maybe it's just going to be the
miners that will be employed in the project, then we will get 225 jobs from the
revised UEP. That will leave 12,975 people unemployed, and the new
30 unemployment rate will be 7.86 per cent.

MS McKELVEY: Ms Green, I'm sorry. We've reached the end of your allotted
time, but I appreciate that you have a number of slides left. I just want to reiterate
that you can submit those – basically, the rest of your slides in your presentation as
part of a written submission to the IPC, and the commissioners invite you to do that.
35 If that could be done in the next week, that would be wonderful.

MS GREEN: Okay. Thank you very much.

40 MS McKELVEY: Thank you. The next speaker is Mark Griggs.

MR GRIGGS: Good afternoon, everybody. My name is Mark Griggs, a lumber
consultant engineer to the New South Wales mining industry, and I'm currently
engaged by a number of coal mining companies in various engineering roles.
Wollongong Coal is my major client, and I am currently the statutory electrical
45 engineering manager at Russel Vale Colliery, and I also provide statutory engineers
at the Wongawilli Mine.

I make these comments as a local businessman and coal mine worker of 42 years experience, and not as a spokesperson for the proponent. I fully support the Russel Vale Coal Rig underground expansion project for three main reasons. Firstly, the proposed mining method, being the board and pillar style of mining with no
5 secondary extraction will have negligible impacts to the surface landscape due to the fact that only 35 per cent of the coal is being mined with 65 per cent being left behind to support the overlying rock strata. This has been a major concession from Wollongong Coal to the two previous submissions, which include longwall mining as the primary mining method.

10 Other than the removal of the existing longwall machine from the mine, there is no consideration being given to the resumption of longwall mining at this site ever. As a result of this proposed mining method, there will be negligible impacts to the water catchment into the mine working and water levels in the dams will not be
15 affected. These negligible impacts have been confirmed by independent studies, and the results of these studies have been accepted by the relevant New South Wales government departments. I note from previous speakers there was concern of mine waste or washery being put back into the underground and potentially polluting the mine water. All coal production, to my knowledge, will be sent to the customers
20 as run of mine product, which means no on site beneficiation and therefore no mine waste being put back underground.

Secondly, the coal produced at the mine is world-class, high quality coking coal, which is one of the key ingredients for making steel. I challenge all of the speakers
25 who have expressed rejection of this UEP to have a good look at their own lifestyle choices before objecting to this proposal. Every part of their lives revolves around the use of steel products, whether it's the houses they live in, the cars they drive, the kettles they boil their water in, and daresay it, their knitting and crochet needles. To be fair, there is a counter-argument for the use of so-called green steel, but this
30 technology is in its infancy and untried in commercial quantities. Perhaps we should revisit this issue in 10 years or so, but at this point in time it is not a real option.

The last point is the economic benefits to this proposal cannot be overstated. More than 200 people will be directly employed during the production phase of this
35 project, with more than 800 people being indirectly employed by the relevant local service industries. Now, due to the availability of experienced mining personnel in the greater Illawarra area, it is expected that more than 90 per cent of the employment opportunities will be filled by local people with local families spending their money in the local economy. To paraphrase our prime minister, in these
40 COVID times, we need to get Australia back to work. An approval of this project will go a long way to getting Wollongong Coal and the greater Illawarra area back on its economic feet. I thank you very much for this opportunity to support the proposal.

45 MS McKELVEY: Thank you, Mr Griggs. We do have some questions. Can I go to Peter first. Thank you.

DR WILLIAMS: Thank you, Mr Griggs. Just one point you made, just for clarification, if you could, please there would be no mine being put back underground because of the nature of the front of mine works. Could you just explain and clarify that point a bit more for the panel, please.

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MR GRIGGS: It's my understanding – the mine – the product exiting the mine will be sold wholly as it is to the customers. What happens at other coal mines – the coal is brought out of the mine. It goes through a washery where the good coal is separated from the reject and the reject somewhere. Now, there's nowhere to put that in place at Russel Vale as far as I'm aware, and it was – an option is to put it underground. I don't see that as being a real option anyway. I've worked at over 30 underground mines. I've never seen it done before, and I know of no place in Australia which puts its washery tailings underground. So my understanding is that all the coal will leave the site as-is, unprocessed.

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DR WILLIAMS: Okay. Thank you.

PROF CLARKE: Yes. My question was along the same lines. The current proposal does have a dry processing circuit, and some placement of the material back underground. So I might direct you back to the applicant's reports for that. I have no other further questions. Thank you, Mr Griggs, for your submission. The next speaker is Graham Heath. Mr Heath, when you're ready. When you're ready. Mr Heath, can you hear me? Mr Heath, we'll come back to you, and we'll move to Mr Fletcher. We'll come back to you, Mr Heath. Mr Fletcher, Michael Fletcher, are you – you're ready. Excellent. Please proceed with your submission.

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MR FLETCHER: Thank you. All right. So I've got some pictures. I live with my family at 20 West Street, Russel Vale, so that's approximately 200 metres away from the mine site, and directly behind us is the big waste pile – or it was a very big waste pile. In that picture, you can see the sprinkler in operation. That was taken a couple of days ago, so that's literally how close that coal is to our property. I'm basically here to provide some evidence which you wouldn't have had to see in the department's report, which I think you need to see, and I can put a submission in about the effect of the coal dust. So look at and read things up, except for the levels of dust. So what our experience has been living here for four years is that when we moved into the place, we had a deck on the back and the kids' feet were black after going out onto that deck. Now, I cleaned that deck and I re-coated that deck, and the coal problem was a little bit better, but then they removed the coal dust in – the coal pile in 2019, and during that process again we just saw the house being coated with dust.

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So if you could move to some of the other slides, you could see that inside our house, even though we clean it all the time, this is – this is a problem that we've discussed with our neighbours. We have a nice little community here, and we – and one of the things that I would encourage is – I'll put this in my submission – that the IPC actually talk to the residents here, especially in our street and in Broker Street, about what it's actually like living with the dust. So my objection to this mine is basically

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because it's 200 metres from my house, and they're going to produce two great big new piles of coal waste, which is impossible for that not to affect our health. And what I'm really worried about is I have a three year old and a seven year old, and they're going to have that exposure to that dust every day of their life.

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Even if the mine stops, the problem is that the coal waste will still be there, and we know from experience that that is going to continue to coat our house. So that's every day of the children's lives, and that's a long-term exposure to something that actually looks very black and very sticky. I don't know if we can look at any of the other slides, but it's so sticky that you can squirt it with the hose and it won't actually come all the way off.

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The other thing I would support is just another go at the economic assessment, because I realise this is about looking at the costs and benefits, and I just don't feel that the costs were properly taken into consideration around amenity. I know there's 15 200 jobs, but there's a bunch of people affected and actually the attractiveness of Wollongong is affected. Now, this has an economic impact as well. And I just can't believe that one of those costs, which is the decreasing the value of our house, is not even taken into consideration. I mean, who wants to live 200 metres away from an 20 operating coal mine? I don't think even, you know, most of the people who are working in the mine would want to be in our situation. I don't think anyone on the panel would.

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And on the truck movements, I watched the hearings yesterday, and it was – and as we know that was not true, what the Wollongong Coal said – that they had tested 25 the same number of truck movements and everything was fine. We were here – living here in direct sight of the mine, and we only saw, you know, like, on average, about two to four truck movements an hour, not 32. I mean has to cause a big problem. And then there's the noise as well. At our place, we're at ground zero 30 or, you know, point 7 on the map, and again I would encourage the IPC to come have a look for themselves, rather than just the paperwork and see how close we are. And that noise is already – is going to breach the acceptable standard, and that's six days a week. The dust is going to breach the acceptable standards six days a week, and all those trucks are going to make it like – our lives basically hell.

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So in summary, I just wanted to really focus on the dust issue, because I don't think that's show in the numbers. I think that's shown in the lived experience of the residents here, and on my concerns as a father of two small children is – you know, we're going to be living with this. I just don't know what our recourse would be 40 when the problem occurs, as all the residents will sort of say it has in the past or lived through an operating coal mine. So I just really implore another look at this issue of dust and amenity and that effect that has on our whole economy and where we live. Thank you.

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45 MS McKELVEY: Thank you, Mr Fletcher. We do have one question.

DR WILLIAMS: Just a point of clarification. You mention your home was 200 metres away from the mine. Which direction would that be in?

5 MR FLETCHER: The mine – the big – so we’re in 20 West Street, so we’re basically south of the mine. So the mine’s north – no, sorry. Yes. It’s directly behind our house. It’s 200 metres west of our house, so – yeah. We can see – as you can see from the picture, that sprinkler is where the coal pile will be sitting, and that’s how close. It takes no wind or hardly anything at all for all that residual dust to land on our property.

10 DR WILLIAMS: Thank you.

MS McKELVEY: Thank you, Mr Fletcher, for your submission. I’m going to go back to Graham Heath for his submission if he’s now ready, hopefully. Mr Heath, ready when you are. Mr Heath, I think you’re on mute still. Mr Heath, can you hear me? While we sort that issue out, Cherrida Hardaker is our next person to make a submission. Have we got Cherrida Hardaker ready?

MR HEATH: I’m a member of the Illawarra Residents for Responsible Mining. I live adjacent to the mine at the blue dot shown on the screen on the first slide. That’s in East Street, close to a nursery. Are you hearing me?

MS McKELVEY: Yes, we can hear you.

25 MR HEATH: Are you hearing me?

MS McKELVEY: We can now, Mr Heath, yes. Thank you. And we’ve got your slides.

30 MR HEATH: I’m a retired university academic whose expertise was in heavy metal chemistry and in electrolysis, and I have taught in Sterling and in Edinburgh and at the ANU. Next slide, please.

35 MS McKELVEY: Yes.

MR HEATH: I’m here to draw to your attention a submission made previously by expert mining engineer Dr Keith Tanyeti to the PAC in 2015. I was present when Keith gave his presentation, and it was a lightbulb moment. It’s a very sobering physical analysis of the situation, and I am going to draw it to your attention. Dr Tanyeti is a mining engineer with expertise in coal – spent his expert studies on understanding the structures available to Russel Vale Colliery. His submission, which I may draw more detail on soon – it may be his proposal – provoke the shift from longwall to board and pillar. But this proposal to recommence mining at Russel Vale is unacceptable. Turn to the next slide.

45 Sadly, we no longer have the benefit of Keith’s direct advice. He is in declining health. But his documents remain and stand and are still to us. His conclusions

are valid. His conclusion is that any hydraulic connection from the Cataract Reservoir to the Russel Vale Mine will lead to significant collapse of the whole escarpment – collapse in the escarpment. The notoriously geology of the area means it is possible that the ground behind the escarpment is disturbed. What the mine owners have described as minimal risk is not no risk. Next slide, please. No risk of subsidence due to deliberate interference within the Russel Vale Mine – no such risk is acceptable.

Earlier, young speakers spoke of hoping to outlive coal mining. At 76 and in declining strength myself, I find it very taxing to be continuing to resist a bad practice. The interminable amended proposals the company have – have led to the fallibility of the modelling. Excessive subsidence and less bad methods are not the answer. No risk to the escarpment is acceptable. It is exhausting to have to maintain this vigilance. I am encouraged, however, by the scholarship and the enthusiasm of younger people at this hearing the next generation. I thank you for your time.

MS McKELVEY: Thank you, Mr Heath. And just to assure you that the previous materials that were before the PAC in the previous iterations of this application are before the panel, and so the commission will be taking those into account when assessing the department's recommendation and the application as a whole. So thank you for your submission. The next speaker is Cherrida Hardaker.

MS HARDAKER: Good afternoon. Thank you for giving me the opportunity to speak very strongly against this mining extension. My name is Cherrida Hardaker, and I live only a few kilometres away from the Russel Vale mine at I wish to strongly object to this extension on so many grounds that it is extremely difficult to know where to start. Ethically, responsibly, legally, morally, economically, scientifically, environmentally and pragmatically, I object. I am speaking as a mother, a grandmother, and as of 20 minutes ago, a great-grandmother – a first-time great-grandmother, so you will have to excuse me if I'm a bit off-task.

I hold grave fears for future generations. If this type of project goes ahead, it will only exacerbate things. Nothing – nothing at all is in isolation. Everything is connected. What happens at Russel Vale Mine will eventually affect everyone regardless of where you live. That's why I always find it very unusual that people ask where I live in regards to fossil fuel mining. Being a supreme optimist, knowing that you are all intelligent and well-educated people, I am extremely happy to hear that this is not a waste of our time, because this is not a foregone conclusion. While this mine has been working for over 100 years and has provided employment, and I can understand the importance of a job because I have always worked up until recently, but it is now time to accept that coal is on the way out.

These workers need a just transition, and therefore one of the things I recommend to the panel is the green steel forum that's coming up. I'm sure that all the many people who have jobs that were related to horses 100 years ago felt very similar when cars were introduced, but it's time to move on. I'm not going to go into a whole lot of detail, because you've already been given a lot of excellent information. I have

changed my talk dramatically over the last 24 hours because of what I have been listening to. So I thought I would just ask you some rhetorical questions, and I realise that those questions, in a sense, aren't rhetorical, because they will be answered by your decision. The first thing I would like to mention is the Russel Vale
5 Community Consultation Committee. As part of community engagement, I am a member of the Russel Vale CCC.

At each meeting, I ask questions. I have then gone and researched those answers. And virtually every time, I found that those answers are so totally wrong. I ask
10 myself is this just incompetence, that they do not know what's happening in their mine, or are they not telling me the truth? Which means they're not telling the community the truth. For example, the last meeting I was at, I asked them about methane gas. I was told that there was very little gas or there would be very little gas in this mine if it goes ahead and that it was no problem. In fact, when I did the
15 research, I found that if approved, Russel Vale Mine would be in the top 100 largest emitters of scope 1 emissions in Australia. I don't agree with them when they say it's not a problem. It's a gassy mine.

A lot of methane would be release into the atmosphere. So my question to you there is what is the the community consultation community if the information that
20 we're given is so often incorrect? I could talk about the 2000 or over 2000 truck – not car, but truck movements a week if this goes ahead. Should the community be expected to put up with this? The Russel Vale extension is not in the public interest. It does not have a social license. You have been given more than enough excellent
25 information to make a finding on this mine. We ask that you reject this application of Wollongong Coal. My last question to you is how would you tell your children, your grandchildren, your family, your friends – how would you tell them in the future that you recommended that this mine go ahead? I will also leave the last word to who said the future depends on what you do today. Thank you so much for
30 listening to me.

MS McKELVEY: Thank you for your submission, Ms Hardaker, and congratulations on the new addition to your family. It's lovely news. Our next
35 speaker is Professor Melissa Haswell.

MS HASWELL: Thank you very much. I'd like to thank the IPC for enabling me to speak today. I am Melissa Haswell. I am a professor of practice in environmental wellbeing in the indigenous strategy and services at Sydney University. And I
40 have a long history with these projects here – the longwall coal mining and underground coal mining in Sydney's water catchment. I will just say very briefly and probably speak fairly generally that I think that this development – this expansion and continuing the mining under Sydney's water catchment really goes against just about all public health principles where we are – developments like this are risking virtually all the basic needs for good health and wellbeing of our
45 communities and of our country and even globally at this stage.

So I would like to highlight – you’ve heard the lived experience around living – one of the things about Russel Vale is that – the incredibly close proximity of this mining operation to places where people live, and you’ve heard over and over again over the two days, I’m sure, the kind of distress that that causes people in terms of the dust
5 and – from a public health point of view, that dust is not just uncomfortable, it also – there are significant health impacts, especially around particulate matter PM10 and PM2.5. And you get – there is monitoring, of course, but these are actually people who are exposed from time to time with exceedances of those dangerous particulate matter. There is also diesel – so the trucks are noisy, they are disrupting a peaceful
10 community, but they also carry air pollution concerns as well. Diesel exhaust is a carcinogen, and it also has particulate matter, et cetera, and contributes to ground level ozone as well.

Also, in terms of the distress – so it’s not just uncomfortable for people, but we’re
15 knowing more and more as people are under more and more stress the relationship between mental health and physical health, and I don’t think I would want to live near this mine. I totally – I wholeheartedly agree with community members that are saying it’s far too close to where we’re living, our children are playing, and we’re going through our normal life. I think it’s a very huge imposition on a local
20 community for that range of reasons. Also, of course, water – in 2020, to consider that we are continuing to threaten the – Sydney’s water catchment area – it is probably the most valuable public health asset in Australia, given how many people actually rely on that water catchment.

25 There are many operations, and we now know much better now than we did before about just how harmful subsidence is in terms of the water supply and the ecological damage – I’ve seen it myself. And how important it is for a clean water supply for the major metropolitan area in this country to maintain a good ecology, which means that the water – it increases the quality of water and reduces the amount of treatment
30 required. And so that’s a win/win to take care of the catchment and to not engage in any activities that either – there’s no risk or actually promote the health of the catchment as a major public health benefit.

And, of course, climate change as well – so we may think this is metallurgical coal,
35 but there is still climate change implications, and we are now in a public health emergency as far as climate change is concerned. The Australian Medical Association declared that last year, along with many, many other organisations in the world. And the impacts of climate change – one of the most important ones as far as this is concerned is the unreliability of water supply that we’ll be increasingly facing.
40 So we have to see this as rising population, more pressure on Sydney’s water catchment. We should be taking all means of protecting the water supply, rather than undertaking activities underneath. Thank you very much.

MS McKELVEY: Thank you, Professor. We do have one question.
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DR WILLIAMS: Professor, I'm just wondering, are the public health statistics for Russel Vale significantly different from those, say, inner west city – suburb in Sydney, for example?

5 MS HASWELL: Well, I actually that there should be a very detailed health impact assessment to be able to give you an answer to that question. I think often times, public health is put underneath a social impact assessment and not actually given the importance that it deserves. So I think really investigating that in detail would be a very, very positive thing, and not only the air pollution and comparing, perhaps, with
10 other areas – that's a very busy area – all the diesel transport, the stockpiling, the potential for wind blowing, and also the stockpiles. And I guess the really concerning thing that we've seen as coal is reducing and the potential for green steel becoming cheaper is that we have assets that are sitting there and bankrupt companies that can't actually maintain that into the future. So your question is very
15 complex, and I just wanted to highlight that it's an excellent question. But I do think that there should be more detailed studies before these decisions are made looking at both today but also into the future and possible scenarios regarding what will it look like in 10, 15 years, 20 years.

20 MS McKELVEY: Thank you, Professor.

MS HASWELL: You're welcome. Thank you.

MS McKELVEY: Thank you, Professor Haswell. The next speaker is Craig Perritt.
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MR PERRITT: Good afternoon. Can you hear me okay?

MS McKELVEY: Yes, we can.

30 MR PERRITT: So I and my family live in Bulli within a few kilometres of Russel Vale. I have historically worked in Illawarra Coal Mines, implementing mine automation systems. Not unlike the earlier submission by the Kembla Grange Childcare Centre, I was a beneficiary of underground coal mining. And during that period, I avoided consideration of the damage to the environment I was contributing
35 to and, indeed, promoting. Cognitive dissonance is the avoidance of uncomfortable truths. It is also, from a mental health point of view, a ticking time bomb. It is cognitive dissonance compounded by my ignorance that allowed me to promote under catchment coal mining.

40 These days, I am privileged to be associated with my colleagues and friends in the Protect Our Water Alliance and the others who have made submissions at this commission. Professionally, I am still involved in the Illawarra coal supply chain, though not in mining, so I am arguing today against my self-interest and my livelihood. This community has, in reality, collectively provided an unfunded due
45 diligence service to New South Wales Planning and to Wollongong Coal. This is a due diligence process that neither of these parties have done adequately themselves, and a process which has comprehensibly demonstrated that the proposal should not

go ahead. My current professional capacity of evaluating large-scale tenders and proposals – I realise the value of these unfunded submissions. Where I work, the due diligence team is part of the project team, not treated as unfunded outsiders or whingers.

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This repeated and ridiculous David and Goliath approach to democracy itself needs scrutiny and overhaul. The risk avoidance and associated cost avoidance provided by this community is worth far more than the zero financial, legal and logistical support provided by either of the proponents. It is also costing the emotional and mental health of those volunteering to contest the proposal. The submissions have included pollution impacts on local communities, including noise, air quality and traffic, increased fire risk and loss of biodiversity through damage of upland swamps, unconscionable risk to the water catchment asset itself which generates billions of dollars of revenue each year and which is unrepairable in the face of structural damage, degradation of water quality and quantity, contribution to damage and climate change, poor employment conditions and outcomes, unfunded eternal management of the decommissioned mines and their perpetual damage and leakage, and an economic case which we now understand regarding revenue, costs and tax that does not hold water, so to speak, among many others.

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In the face of these arguments, it's difficult to understand how a well-informed power could support such a project, but I would like to share a personal story to illustrate how such an outcome is possible, considering the overwhelming historical trend to approve rather than reject such proposals, it's worth considering. I grew up in a religious cult. I'm embarrassed to say that it took me to the age of 53 to put aside the cognitive dissonance which allowed me to set aside its damaging falsehoods for so many years and look at the evidence without fear or favour. Coming out of that cult was traumatic and took its toll on my marriage, but it has been transformative. My children and grandchildren have been beneficiaries, which is a big part of my willingness to go through it.

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Illawarra has a historic cult of coal mining, a cult whose use-by date is well past. Like me, many people in Illawarra have grown up with and accept this cult. I understand those who are still held by its dazzling promises and convenient short-term thinking, but like the one I recently escaped, it is a dangerous and damaging cult and one that we need to separate ourselves from regardless of the short-term discomfort this might entail. Our modern political culture is plagued and dominated by self-interest and status quo. I am arguing against my professional self-interest in the public interest, and I urge you to be truly objective, think of the medium and long-term consequences and refuse this proposal.

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Finally, could the commissioners please explain how the issues raised by the community submissions will be referenced and argued in their report? Will there simply be an acknowledgement that such issues were raised, or is there a responsibility for the commission to deal with the most significant arguments in an objective and transparent fashion? Many of these issues are devastating to the proposal and are due the respect of a considered and transparent response. Could

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you please advise us now on how these will be dealt with, and I thank you for your time.

5 MS McKELVEY: Thank you, Mr Perritt. Just on that issue, in terms of the statement of reasons that will ultimately be prepared, whatever the outcome is, by the IPC, there will be a discussion about the submissions that we've heard here today and they will be addressed by the commissioners in that statement of reasons.

10 MR PERRITT: Thank you so much.

MS McKELVEY: The final speaker for the day is Ian Wright. Ready when you are Mr Wright.

15 MR WRIGHT: I'm a water scientist, and I've researched coal mine wastewater impacts for more than 20 years across the Sydney Basin. I have more than 20 research papers published on the topic. I am not fortunate to live in Illawarra, but from a distance I can tell that the environmental values are considerable. Now, I'm going to focus on the issue of Russel Vale wastewater and impacts on Bellambi Gully Creek and Bellambi Lagoon. I feel this issue has received inadequate
20 attention, and I dispute many of the statements made in the environmental assessment documents on this.

The colliery releases between 0.2 and 1.2 megalitres of wastewater a day into the Bellambi Gully Creek. This is done under regulations imposed by the EPA using
25 environment protection license number 12040. The latest version is dated 6th of May 2020. It contains only two pollutants with discharge limits – that is, for pH and total suspended sediment. I regard this EPL as inadequate for the protection of water quality required to support the environmental values of Bellambi Creek and Bellambi Lagoon. I call into question the statements made in the EA document. This is part
30 B, surface facilities. For example, it states that Bellambi Gully and Bellambi Lagoon are not directly connected. I strongly doubt this. I have been there.

I have looked at the maps. I don't agree with this. There is a linked wetland body called Blue Lagoon. I don't believe this is the place featured in the 1980 movie. But
35 the document reports that mine wastewater is saline. By my calculations, about 10 times the background, and had ecologically hazardous concentrations of nitrogen and phosphorous – again, also highly alkaline. The EA document continually understates this influence of this wastewater on Bellambi Gully creek water quality, and it points towards other sources of contamination such as urban development, light industry,
40 parks, reserves and a school.

The document includes table eight, Wongawilli mine water. This shows that the mine drainage has several metals at environmentally hazardous concentrations for at least some or most of the time, and that's aluminium, arsenic, copper, nickel and
45 zinc. The EA document, in many places, has used very dated water quality data, much of it between 10 to 25 years old. This is particularly problematic, as so much has changed in the landscape since then. I will give you one example: Sydney

Water had a Bellambi STP that had an for discharging. That is now closed. So is and that could have influenced Bellambi Lagoon.

5 Bellambi Creek and Lagoon have a long history of contamination. A study by GHD
in 2007 for Wollongong Council supports this. It is characterised, I am quoting, by
elevated pH, conductivity, biochemical oxygen demand, ammonia, suspended solids,
nutrients, copper and zinc, also faecal coliform exceed primary contact guidelines.
10 The same report also pointed to similar comments about the lagoon – also added that
it occasionally suffers algal blooms and severe oxygen depletion. Now, the
discharge pathway from LDP – that’s the licensed discharge point to the lower
estuarine reaches behind Bellambi Beach probably only takes a couple of hours.
And because the connection with the ocean is frequently closed, this is both
ecologically and in terms of human health a very hazardous setting.

15 Bellambi Lagoon has two associated endangered ecological communities – swamp
oak flood plain forest and Sydney freshwater wetland. It also has heightened
Aboriginal heritage significance. But what also concerns me – something I have
studied is what happens when mines close. I have studied this with two Sydney
basin coal mines. One was the Canyon Mine in the western Blue Mountains near
20 Blackheath and Bell. It closed 23 years ago. The underground workings are flooded.
And today, it still continues to release ecologically hazardous levels of zinc and
nickel into the Blue Mountains world heritage area. No one treats that.

25 Berrima Colliery shut in 2013. Only 15 per cent of its underground workings
flooded, and then the metals nickel, zinc, manganese and iron were mobilised at
much higher concentrations than when the mine was operating that polluted the
Wingecarribee River, which flows into the Warragamba drinking water catchment.
So I believe this mine, no matter what happens in future, it’s going to continue to
release damaging water quality for years. I mean, 10 years – the United Kingdom
30 has lost most of its coal mines, and sometimes it’s taken 20, 30 years, and the
contamination has continued indeed for centuries. I object to the proposed extension
as it currently stands. I regard the current impacts as well as future impacts for water
quality, particularly Bellambi Creek and Bellambi Lagoon as being unacceptable and
very poorly addressed in the EA documents, and I am not heartened by the
35 recommended conditions of consent to manage this. Thank you.

MS McKELVEY: Thank you, Mr Wright. We have a couple of questions for you.
I will ask Peter first.

40 MR WRIGHT: Thank you.

DR WILLIAMS: Thank you, Mr Wright. Just trying to summarise your
submission, but you have the issue of the deficiency of the current EPL, so your
concern is that a future EPL needs to be far more extensive, more comprehensive in
45 what it’s controlling, and/or – you’re also arguing that there are other impacts that
might be – haven’t adequately been addressed, and were beyond, at the moment,
conditioning through an EPL.

MR WRIGHT: That's correct. Absolutely.

DR WILLIAMS: Okay.

5 MR WRIGHT: And I believe it needs to have a detailed, recent study to ascertain exactly how much – exactly what proportion of the contamination of Bellambi Creek slash Lagoon is due to the mine discharge at the moment. It's fairly surprising for me – and I've done detailed study of eight different mine discharges – it's very surprising to me that the EPL doesn't include salt and that it doesn't include any of the metals. And I believe that the report done by GHD showed that there was
10 contamination both in the water of the creek as well as the lagoon that matched what I saw in the mine water – the Wongawilli mine water.

MS McKELVEY: Thank you. Now to Chris.

15

PROF FELL: The long-term hazard leakage that they talk of – they're suggesting they might well treat that by reverse osmosis. Would that solve the problem?

MR WRIGHT: Look, it's a great point. In only five minutes, I didn't have much
20 time to address that, but I would also ask why wouldn't you treat it with reverse osmosis now if it's full of metals. Yes, it would treat it, but what are you going to do with the wastewater from the reverse osmosis plan, and why only 10 years? And again, the United Kingdom has had so many coal mines close, and they do treat it, but it goes way beyond 10 years. Sometimes when this surfaces – you know, as the
25 mine workings flood and it fills up, sometimes it can come out with physical force as well. So it might not just be water quality. It could also be – I don't want to use the word like an explosion, but literally, they have had landscape type disturbances when mines have flooded and then forced their way up.

30 PROF FELL: Thank you.

MS McKELVEY: Thank you, Mr Wright. Well, that concludes the public submissions. Professor Clark.

35 PROF CLARKE: Thank you. That brings us to the end of this electronic public hearing into the Russel Vale underground expansion project. Thank you to everyone who has participated in this important process. Professor Chris Fell, Dr Peter Williams and I have appreciated your input. Just a reminder that it is not too late to have your say on this SSD application. Simply click onto the have your say portal on
40 our website, or send a submission via email or post. The deadline for written comments is 5 pm next Tuesday the 27th of October 2020. In the interests of openness and transparency, we will be making a full transcript of this public hearing available on our website in the next few days. At the time of the determination, the commission will publish its statement of reasons for a decision, which will outline
45 how the panel took the community's views into consideration as part of its decision-making process. Finally, a quick thank you to my fellow commissioners, Professor Chris Fell and Dr Peter Williams and also to our counsel assisting, Janet McKelvey,

and thank you for watching. From all of us here at the commission, please enjoy the rest of your day, and good afternoon.

5 MATTER ADJOURNED at 1.07 pm INDEFINITELY