

To whom it may concern,

Re: Proposal for Modification 4 to Project Approval MP10_0046 – Russell Vale Colliery Preliminary Works Project

I object to the proposal Preliminary Works Project Modification 4 Bellambi Creek Gully at Russell Vale Colliery, operated by Wollongong Coal Ltd (WCL). My reasons for objection include the following:

- **Bellambi Creek should have been re-aligned in 2012**

The realignment, to protect nearby properties from flooding and inundation with water borne coal, was *a condition of the colliery's 2011 approval*. It is now *more than 5 years overdue*. The proponent mined and sold the coal under the approval, but failed to meet the conditions of this coal extraction.

- **Department of Planning and Environment (DoPE) failed to monitor and enforce WCL's meeting of its conditions of operation, making a farce of the planning and approval process**

Moving the goal posts now, by changing the condition more than 5 years after it was due to be met, makes a farce of the Department's approval process. It sets a risky precedent and erodes community trust in the Department's governance of extractive industries.

- **WCL's failure to carry out the works has placed residents downstream in danger**

In 1998 a storm event occurred that blocked the opening to the Bellambi Creek culvert at the Russell Vale mine. The resulting overtopping caused flooding of properties downstream and carried large quantities of coal off site. The realignment of Bellambi Creek was meant to protect residents from a similar accident. Through failing to carry out the flood mitigation works, WCL and the Department have placed lives and property in danger.

- **The proposal will not prevent the coal pollution of Bellambi Creek**

Bellambi Creek has been polluted numerous times since WCL has been operating Russell Vale Colliery. Every one of those pollution events could have been avoided if Bellambi Creek was realigned. However, WCL's documents say that under their proposed option Bellambi Creek will still not be protected from further pollution events. The creek will continue to flow through a deteriorating concrete culvert that runs directly under the colliery stockpile and working area, risking ongoing contamination of the creek.

- **Insufficient capital should not be the basis of a mining company changing a condition of approval**

WCL has cited shortage of capital as the principal reason for the proposed change. WCL has been under investigation by the Resources Regulator (previously DRE) since 2015 over whether it is a fit and proper entity to hold a mining license. Not only has WCL failed to meet the Bellambi Creek flood mitigation works condition of approval by the due date in 2012, the company has a history of non-compliance with approval conditions. This is not a better plan for Bellambi Creek; it is just a cheaper plan. Approval of this plan condones the playing of the Major Projects planning system by financially compromised proponents at the expense of communities and the environment.

I am calling on the Department to reject this proposal and become more serious about monitoring and enforcing compliance with mining development approvals.

Jan O'Leary