

## **Proposal for Modification 4 to Project Approval MP10\_0046 – Russell Vale Colliery Preliminary Works Project**

The Wilderness Society Illawarra objects to the proposal Preliminary Works Project Modification 4 Bellambi Creek Gully at Russell Vale Colliery, operated by Wollongong Coal Ltd (WCL). Our 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 nearly 6 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 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.

The Wilderness Society Illawarra calls on the Department to reject this proposal and become more serious about monitoring and enforcing compliance with mining development approvals. Formed in 1976, the Wilderness Society came from the campaigns for Tasmania's wilderness regions. The Wilderness Society is now one of Australia's largest and most active

environmental organisations. In recent years the Wilderness Society has increased its emphasis on acting on climate change as the impact of this crisis has become clear. The Wilderness Society Illawarra was established in mid 2016 with the aim of increasing public engagement in this region on urgent environmental protection issues, particularly action on climate change. WSI has a network of more than 350 people in the region and is establishing a cooperative relationship with other environment and community groups. WSI intends to be an ongoing environmental organising and advocacy force in the region. WSI will advocate on priority issues and follow through with continuing engagement on the implementation of any policy changes.

