

To whom it may concern,

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

**I am a member of the Russell Vale CCC and I am appalled that despite the requirement that this work should have been completed over five years ago, the proponent continues to seek to minimize their spending in regards to the imminent risk they pose to their neighbours.**

**Any suggestion that this “alternative” proposal has the support of the CCC is a lie**

In 2012, when the proponent artfully and belatedly put a proposal on display so that enquiries ran into the Christmas period and proper community consultation on yet another modification was circumvented, I returned to Wollongong from Canberra to address a meeting which substituted for a proper hearing. I recall this very clearly because my return from Canberra deprived me of time spent with my dying father. I clearly recollect the individuals inquiring into this matter stating that serial modifications to preliminary works were not a proper way to proceed, yet here we are still having to fight to have the proponent held to the conditions imposed and unmet. The proponent must be required to undertake a full realignment of the creek to protect residents and homes downstream from repetition of the events of 1998. In the meantime, I believe that they must be forced to pay additional insurance against such a foreseeable event. Perhaps the expense that such insurance would involve will focus them on doing the right thing by our community.

**Further**

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, and continues to place 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 required, as a condition of mining which has already occurred, 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. It is only a matter of time before another storm has a similar result

- **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 demonstrate that under their cheap, belated and preferred option Bellambi Creek will still never 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 drastically changing a condition of approval after the event!!!**

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 demand that this proponent be required to implement monitoring and that the Department meet its mandate by enforcing full compliance with mining development approvals.