



Director, Mining and Industry Projects,
Major Projects Assessment,
Department of Planning,
GPO Box 39,
Sydney NSW 2001

02 September, 2012

Dear Sir/Madam,

Project Application No. MP 10_0046 MOD 1

We would like to formally object to Gujarat NRE's Modification No 1 to their Preliminary Works approval MP 10_0046 to allow for longwall mining LW 4+ 5 at No 1 Colliery in Russell Vale.

Illawarra Residents for Responsible Mining Inc is a community group that formed in response to the current operations and proposed expansion of the Gujarat NRE (GNRE) No. 1 Colliery in Russell Vale. Our aims include to advocate for responsible mining, that is mining that puts the health and wellbeing of ordinary people, and of the environment, ahead of corporate mining interests.

Comments on the role of the Department of Planning and Infrastructure

As is described below, we have encountered a clear distinction between the willingness to accommodate and facilitate the interests of the proponent, including the acceptance of late and inadequate documentation, and a reluctance or refusal to respond to the concerns and requests of the community.

Background

The Preliminary Works Project at No 1 Colliery Russell Vale was deemed contentious by several State Government agencies who stated they "*do not consider it good practice to*

separate elements of the proposed new mining area into separate projects resulting in the assessment being undertaken in a piecemeal fashion”. GNRE have again fractionated the development in applying for a Modification to longwall under their Preliminary Works Development Approval. This longwall application clearly is not preliminary works and should be included in the Expansion Project Application that we have been told will be completed and put on exhibition in October this year.

They have also stated that the ongoing viability of the mine is the reason for the Modification. This is an erroneous statement as GNRE have an approval to remove remnant coal from the V Panels in the Bulli Seam but would rather pursue their longwall option. They have failed to assemble and submit the appropriate documentation for their Expansion development application. GNRE were requested on 18 August 2009 by the Director General of DoP+I to provide adequate information to support their Expansion DA. This information has still not been submitted. Clearly the time has been protracted by GNRE, for it has now been three years since the Director General’s Requirements for the expansion were issued. In fact, GNRE appears to be unwilling or unable to apply for expansion to longwall mine through the appropriate processes. It is clear that GNRE is in fact attempting to incrementally establish their expansion project for this mine and we argue that this piecemeal approach is not consistent with good planning.

The current proposal seeks to exploit the now repealed but nonetheless persistent ‘modification’ provisions of Part 3A to establish an NRE 1 expansion project in a piecemeal manner. This strategy circumvents cumulative impact considerations and side-steps the greater scrutiny that an expansion project application would attract - scrutiny which would occur within the changed legislative landscape.

The Division of Resources and Energy (DRE) approved a Subsidence Management Plan (SMP) for Longwall (LW) 4 on 26 March 2012, subject to meeting certain conditions and additional documentation. This was subsequently approved 30 July 2012 (long after the mining had commenced). This approval by DRE is now the subject of an ongoing Land and Environment Court case instigated by IRRM addressing the legality of the approval under clause 8K of the Environmental Planning and Assessment Act. Gujarat has endeavoured to exploit clause 8K counter to its intent to ‘bring-in’ mines that were operating outside the approval process. The clause was not intended to allow new approvals. It would seem arguments of mine viability and job losses persuaded DoP+I to grant mining approval. Brinkmanship of this kind should not compel decision making.

LW 5 SMP was not approved because it was seen by DRE to be problematic given its likely impacts. It is odd that in the current proposal Gujarat are seeking further approval for LW4, given it seems now to have been completely extracted. The Environmental Assessment contains no information about the outcomes of Longwall 4.

Submission time frame

The Department of Planning and Infrastructure advertised the Modification for public consultation and only allowed for a time frame of three weeks for submissions. (GNRE

had advised concerned residents that the period was four weeks but later said that was their error on their part.) This is insufficient time to read and digest a 900 plus page document and then make an informed submission on such a large and complex application, particularly when a large portion of the documentation is missing or nonexistent. Significant parts of Appendix J only became available on the DoP+I Website on Wednesday August 29. A revised EA was sent to only one individual on Friday August 31.

The DoP+I refused many requests, made for many reasons, to extend the deadline. Working members of the public with family and other personal obligations have limited time in which to respond to project proposals. Recognising this, two elected Members of Parliament supported the request for a deadline extension. These DoP+I refusals stand in stark contrast to the willingness of the DoP+I to accommodate and facilitate the interests of the proponent.

Documentation

The documentation on exhibition in this modification is incomplete and misleading. Inadequacies in this documentation include the following: missing SMP Management Plans not on exhibition on website; “approved Management Plans” cited in the Environmental Assessment Report that do not exist; a Statement of Commitment that *changed 2 ½ weeks into the 3 week exhibition period*; and, Extraction Plan missing.

In GNRE’s Modification there are numerous references to Management Plans (MPs). These MP’s are either associated with the SMP for LW4 or required under GNRE Preliminary Works DA. The SMP MP’s were specified in the Mod EA as being included in Appendix J but in fact this information was not included on the DoP+I website in its entirety (Public Safety, Heritage, Water, Electrical Transmission Lines MP’s). The MP’s required under the Preliminary Works DA are actually not yet approved (over four months overdue) and are not available to the public during this public exhibition stage of the modification planning process (Noise, Air Quality and Greenhouse Gas, Traffic, Surface Facilities, Water MP’s). This is a gross oversight on the part of the DoP+I and very misleading documentation on the part of GNRE. These missing MP’s are the areas that have the most impact on the surrounding community. How is it possible that the public can be asked to comment on an application that relies on supportive documentation that is not even available to them?

It should also be noted that an Extraction Plan and Subsidence Monitoring Plan were also stated as being included in the notorious Appendix J but is missing in not only the DoP+I website but also the viewable hard copies.

The plan illustrations presented are poor representations of mining extent. The LW 4 + 5 extents should be clearly defined by hatching rather than a fine red line that is hardly perceivable when printed in colour and virtually invisible when printed in black and white.

It should be also noted that the Statement of Commitments included in the Mod DA have been amended with the additional amendments shown in red. However there are a large number of items that have been added that have not been highlighted. Such as- *NRE will undertake regular meetings with the CCC, to provide timely and accurate information on major approvals issues and general operational aspects of the Colliery.* And also items have been deleted and not noted, such as- *“GNRE will conduct regular community liaison meetings and provide regular updates to the community both during construction and operation of the project.”* This unacknowledged removal and replacement of information gives a totally different meaning to their commitment. Under the new Mod Statement of Commitment, GNRE will do all their dissemination of community information through the CCC only and they are no longer obligated to have meetings or provide newsletters. These omissions and errors are not minor details; they have major implications for the people that live around the mine and other concerned citizens. When these errors and omissions were pointed out to DoP+I, the officer looking after this application replaced the Statement of Commitments documentation on the website with a different document. ***This was done on Friday 31 August just before 5.00pm, and just 3 days or 1 working day before the close of the exhibition period.*** It is difficult to understand how this can even be legal. For this reason alone the exhibition should be cancelled, all documentation should be withdrawn and checked and the exhibition period should begin again once a complete set of documents is available.

The Environmental Assessment Report (EAR) contains Impact Comparison and Mitigation Measures. The objective of the comparisons appears to be to enable the reader to compare the impact of the modifications to the original approval. However, the modification relates to activities so different from the original approval as to render the comparisons meaningless. Firstly, the mining location is different, secondly the mining method is different and, thirdly, the affected features are different. How is it possible to make a comparison? Are the new Impact Comparison and Mitigation Measures going to override the old ones and if so does this mean that the V Panels are not going to be mined? The scale of murkiness of the information here underscores the argument that this should never have been allowed to proceed as a modification. It should have been a separate development application.

GNRE have been reprimanded by DRE for poor and misleading documentation of their SMP submission for LW 4 + 5. However, DoP+I has allowed similar poor documentation of this Modification to pass their scrutiny.

How much has to be wrong with a modification submission before the DoP+I acknowledge that a mistake has been made and that the application should be removed from public exhibition, amended and re-advertised? We are deeply disappointed that DoPI has allowed this to occur. Once the errors in the documentation had been pointed out, the exhibition should have been cancelled and it should not have recommenced until all the problems with the documentation had been rectified.

We have not commented on the replacement Statement of Commitments. It is totally unacceptable to change the documents on exhibition at the 11th hour.

We request and expect an investigation into this matter.

Water security

The Longwalls 4 and 5 are located under the Sydney Water Catchment managed Metropolitan Special Area. The NSW Government made a commitment to securing the Sydney water system by putting into place the 2006 Metropolitan Water Plan. The NSW Government is developing a Strategic Regional Land Use Policy (SRLUP) that unfortunately does not recognize drinking water security as a priority. The Sydney Catchment Authority (SCA) managed Special Areas, which provide water for more than 4.5 million people, are not recognized in the SRLUP program.

Bizarrely, the Government may include the Special Areas in a SRLUP review of the Southern Highlands, notwithstanding the facts that the principle land uses are very different and the number of dependent people is very different.

In the interim, the Government provides no effective protection for the Special Areas, with water security and biodiversity conservation taking second place to short term revenue considerations. The concerns and recommendations of the SCA and DECCW/OEH are all too often overlooked by the DoPI and PAC. In turn the recommendations of the PAC may be overlooked by the DoPI and Director General.

The SCA manages 16,000 square kilometers, 21 dams and supplies more than 2.5 million megalitres of water to customers in Sydney, the Blue Mountains, Illawarra, Southern Highlands and the Shoalhaven, who make up around 60 per cent of the population of NSW.

The 15 year life of the NRE 1 coal mine sharply contrasts the never ending need for high quality drinking water and biodiversity fostering and protection. The natural assets above the coal seams are essential, irreplaceable and priceless-

Water

There is now an extensive public domain record of the damage toll inflicted by longwall mining on our drinking water catchments and associated infrastructure. Detailed and graphic accounts are provided for instance in the Southern Coalfield Inquiry report and submissions, the NSW Planning Assessment Commission (PAC) reports and submissions for the Metropolitan Coal and Bulli Seam Operations (BSO) projects, reports from the Total Environment Centre and numerous journal publications, such as that from Martin Krogh. Most recently it has become clear that drawdown associated with longwall mining has contributed to the drying of the ancient and World Heritage listed Thirlmere Lakes, which form part of the Warragamba catchment.

Whilst this is not widely recognised in the broader community, this lack of recognition facilitates project approvals that would otherwise be very widely opposed. In contrast

there is wide-spread concern and consequential opposition to coal seam gas mining. In the course of a previous campaign in relation to the No 1 Colliery, including the compilation of a petition of over 750 signatures, IRRM members have spoken to hundreds, (and most likely well over a thousand) local residents. We estimate that 95% of people we have spoken to are not aware that mining is taking place beneath the catchment area of their water supply and at least 75% find this fact unacceptable.

Risk assessment is no more than an estimate of the risk of subsidence based on available information and in Appendix E Professor Philip Pells points out that there is little precedent of multi seam longwall mining upon which to base this estimate. The precedents cited are only observances of subsidence effects in the short term. Do any of the experts know what the cumulative effect of undermining of the swamps and watercourses may be in 50, 100 or even 200 years time? Irrespective of the risk assessment of the various experts cited, we argue that the water catchment area is not ours to risk. We have a responsibility to preserve the catchment special area and its underlying land and aquifers undamaged and uncompromised, so that future generations of this area can have the access to drinking water that we have taken for granted in our lifetime. The lingering persistence of Part 3A does not and will not excuse the profound ethical and moral failure of our Government's continuing to approve damage to our catchments and their ecosystems.

The impacts of longwall mining on the rivers, streams, groundwater, swamps and other ecosystems that underpin the Special Area catchments are now well known and include the following:

- Loss of surface flows and water levels. Complete drying of pools and desiccation of wetlands. Connectivity between pools lost or diminished with surface water being lost to the subsurface and groundwater flow. Notable 'case study' examples include the Cataract River, Georges River, Waratah Rivulet, Native Dog Creek and Wongawilli Creek.
- Redirections of flows away from the local catchment area as a result of increased fracturing, permeability and porosity.
- Increased frequency, duration and magnitude of aquatic and wetland habitat drying. Loss of in-stream and wetland habitats. Risks to endangered species.
- Drainage of near surface aquifers as a result of seam dewatering and propagating strata depressurization.
- Loss of water quality as a result of fracturing. Increased levels of iron oxides, manganese salts, metal sulphides and electrical conductivity. Lower dissolved oxygen.
- Increased sedimentation in stored waters such as the Woronora Reservoir.
- Simplification of remaining in-stream habitat as a result of the growth of iron-oxidising bacteria evident as a rusty-coloured mass in the water.
- Release of gas into the water column and out into the atmosphere. Oxidation of gas may lead to the death of riparian vegetation and in-stream fauna.

Subsidence impacts on swamps, surface waters and groundwater has been described in detail in the Southern Coalfield Inquiry report and PAC reports for the Metropolitan Coal

and Bulli Seam Operations (BSO) projects. These reports recognize the importance of swamps both as sponge-like water stores and filters, and as biodiversity pools of very high conservation value.

As the Gujarat environmental assessment report (EA) observes, the Coastal Upland Swamps of the Sydney Basin Bioregion were listed as an Endangered Ecological Community (EEC) under the NSW Threatened Species Conservation (TSC) Act in March of this year. In 2005 longwall coal mining was listed as a Key Threatening Process under the TSC Act. Both listings provide details of damage caused by longwall mining.

The listing of the swamps under the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act anticipated in the PAC's BSO report is expected within the next few months.

Alarming the May 2012 end of panel report for Longwall 7 in Dendrobium Area 3A reports serious impacts on swamps 12, 15b and 16. Swamps in this area were identified in the PAC assessment of the BSO proposal as key indicators of risk to the swamps. The evidence that swamps cannot be safely undermined is overwhelming. Remediation of swamps is not possible and there are no examples of 'self-healing'.

Swamps CRHS1, CCHS3 and CCHS4 have special significance status under DECCW (now OEH) 2011 draft guidelines, and CCHS3 and CCHS4 include rare Tea-Tree communities. Recommendation 18 of the Metropolitan Coal PAC report includes the following; "swamps of special significance will be protected from negative environmental consequences". Aboriginal site 52-3-0322 is located on the edge of CRHS1 and Aboriginal site 52-3-0320 is on the edge of CCHS3. CCHS3 and CCHS4 overly Longwall 5 and CRHS1 is within the subsidence zone of Longwall 5. Swamp CRHS1 is about 75 metres from the end of Longwall 5 and so well within the impact zone defined by the 35 degree angle of draw accepted for the Southern Coalfield. Approving Longwalls 4 and 5 would approve the loss of swamps CCHS3, CCHS4, CRHS1 and other nearby swamps. If there is any uncertainty, it is the question of how long it will take for these swamps to be lost.

The Subsidence Monitoring Plan for Longwalls 4 and 5 (Appendix J) states that the NSW Division of Resources and Energy (DRE) requires performance criteria with negligible environmental consequences for the swamps CRHS1, CCHS3 and CCHS4, including;

- negligible change in the size of the swamp;
- *negligible change in the functioning of the swamp;*
- *negligible change to the composition or distribution of species within the swamp;*
- *negligible drainage of water from the swamp, or redistribution of water within the swamp.*

The PAC specifies negligible to mean "small and unimportant so as not to be worth considering". Satisfying the DRE criteria is clearly not possible for the swamps within the subsidence zone of longwall 5 and is unlikely to be possible for CRHS1 which is

within the immediate vicinity of the longwalls and within the subsidence impact zone of Longwall 5.

It is no longer acceptable to justify mining under or near the fragile upland swamps on the basis of further risk assessment. Doing so would be no more than a thin and transparent apology for continuing to acquiesce to the interests and hubris of the proponent, and the revenue focused expectations of the Government. Doing so would insult the intelligence and concern of the community.

The extraction of coal from Longwalls 4 and 5 will cause subsidence within an area that includes Cataract Creek and several upland swamps. Cataract Creek has been recognised by the PAC as having “highly significant values” making it “worthy of protection” (Bulli Seam Operations report, 2010).

Low order streams play a vital role in connecting upland swamps to higher order streams. Two first order streams join together directly over Longwall 5 to form a second order tributary to Cataract Creek; these streams will be severely impacted by the subsidence over Longwall 5. There is also a first order stream that appears to commence over or at the edge of Longwall 5 and is presumably associated with swamp CCHS3 over Longwall 5. There is also a first order stream emerging from the northern side of swamp CCHS4.

Subsidence, increased strata permeability and strata depressurization risks redirection and loss of surface and ground water from the Cataract catchment, as the Sydney Catchment Authority believes has occurred as a result of damage to the Waratah Rivulet. Recent work by Professor Philip Pells (Thirlemere Lakes report and addenda, and research accepted for publication in Australian Geomechanics) shows that the Bald Hill claystone layer cannot be counted on to protect surface and near surface waters from depressurization and water loss.

In Appendix E Pells cites examples highlighting the uncertain nature of subsidence prediction. The severe damage to two kilometres of the Waratah Rivulet provides another example of modeling and prediction failure. The widths of the longwalls that caused the catastrophic damage to the Waratah Rivulet were much the same as the width of Longwalls 4 and 5. Importantly, the notionally ‘protective’ overburden was greater at Waratah Rivulet than exists in this proposal. Compounding the admitted uncertainty of modeling single seam subsidence, there appears to be little precedent for valid prediction or modeling for this proposed multi-seam mining. Additional subsidence factors of up to 80% have been suggested for double seam mining. No such factors are invoked for triple seam mining, presumably because of the lack of precedent. As far as we are aware there are no examples of triple seam mining in the Southern Coalfield. Risks and uncertainties of this kind are unacceptable in relation to our water supplies and the need for biodiversity conservation.

The Gujarat EA is misleading in several respects, for instance it asserts that a report by Geoterra (Appendix I) indicates little or no impact to swamps over Longwalls 4 and 5. The Geoterra report refers specifically to CRHS1, which is not located above the

longwalls, and actually makes no mention of those swamps which lie directly over the longwalls. The EA provides no subsidence information, predicted or observed, for Longwall 4. Longwall 5 would reactivate and compound the subsidence due to Longwall 4. There is no mention of the impact of Longwall 4 on swamps. There appear to be no predictions for valley closure or upsidence, other than a mention of upsidence in CRHS1. The EA provides essentially no mitigation information. The Metropolitan Special Area is a Schedule 1 area, not a Schedule 2 area as the EA suggests. The EA makes no reference to the Sydney Drinking Water SEPP or its embodied Neutral or Beneficial Effect (NorBE) on water test.

The proposed development cannot be considered in isolation. It is the first part of a plan to longwall mine a much larger area. The proposal's inclusion of operational gateroads 6, 7 and 8 clearly flags the applicant's intention to mine much more extensively.

Peabody Energy used a 'foot-in-the-door' approach in establishing roads and other infrastructure ahead of the assessment of the Metropolitan Colliery expansion proposal. This reflects an assumption of approval and/or the intent to leverage approval.

The Mod optimistically states; "modeled subsidence induced cracking could potentially affect stream flow in the reaches overlying and downstream of the proposed workings, although the anticipated stream flow losses would have little impact on the Cataract Reservoir water storage volume". It is neither responsible or acceptable to consider the impacts of Longwall 4 and 5 on the end-point storage reservoir in isolation. The need for cumulative assessments is now firmly established and widely recognized. The need is starting to be addressed in the development of the Aquifer Interference Policy and the Strategic Regional Land Use Policy. There is a need to assess impacts on quantity and quality. There is a need to assess impacts in the context of prolonged drought.

Furthermore, the Subsidence Monitoring Plan for Longwalls 4 and 5 (Appendix J) states that the NSW Division of Resources and Energy (DRE) requires performance criteria with negligible environmental consequences including;

- *negligible diversion of flows or changes in the natural drainage behaviour of pools;*
- *negligible gas releases and iron staining; and*
- *negligible increase in water turbidity.*

In its assessment of the BSO proposal the PAC specifies negligible to mean "small and unimportant so as not to be worth considering" and further states: "The Panel therefore recommends that the definition of "negligible impact" for rivers and streams should be: "no diversion of flows, no change in the natural drainage behaviour of pools, minimal iron staining, minimal gas releases and continued maintenance of water quality at its pre-mining standard".

Expectations of 'self-healing' are wishful thinking. There are very few examples where this has occurred and as far as we are aware there no examples where it has been complete. Self-healing did not take place at Waratah Rivulet or at Wongawilli Creek for

example. Water quality is lowered when re-directed water subsequently emerge downstream, having been contaminated by leached minerals and salts from new fracture surfaces. Re-directed water may be lost from the catchment.

The water catchment and its fragile habitats and ecosystems are not ours to risk.

Subsidence

The Pells Report- *“The prediction of the impacts of subsidence on swamps, creeks, groundwater and infrastructure depends on the accuracy of the subsidence predictions themselves. However, it is a fact that these predictions of subsidence, and in particular tilts and ground surface strains, is fraught with uncertainty. The main reason for this is the impact of geological structures, often unknown, and, in the case of multi-seam mining is exacerbated by limited precedent.”* This statement is very illuminating and damning in itself.

This three tier mining is to the best of our knowledge unprecedented and gives rise to many problems and concerns in regard to predicting subsidence under our water catchment area. It also brings with it significant concerns about being able to cease mining immediately should a major subsidence event occur. Longwall mining is a very destructive method and is very difficult to stop part way through a panel if events which should mandate cessation occur.

The modification includes LW4, this longwall section is in fact almost completely extracted. The predicted subsidences for LW4 could be used in the prediction of subsidences for LW5 and others in the area. It would also be useful information to give the public so they can make an informed decision on the Modification. We have obtained verbal figures from GNRE staff about subsidence dimensions of LW4 so far: First working subsidence was predicted to be 20mm, whereas the actual subsidence was 28mm; Longwall mining subsidence was predicted to be 200mm, whereas the actual subsidence was 1280mm. So it can be seen that the predictions are clearly unreliable. First workings a 40% error and in Longwall mining a 540% error. We contend that GNRE consultants must now go back to the drawing board and base their predictions on actual results and factor in significantly greater uncertainty to their modeling due to the statistically inadequate sample size.

Greenhouse gas emissions

The Mod EA states- *“with the volume of coal production and transportation per annum as per the approved project - air quality impacts (and Greenhouse Gas) per annum are as per the approved project.”* The framing of this application as a modification to the Preliminary Works DA, opens up the Preliminary Works DA to scrutiny. The fact is that a good proportion of residents dispute the appropriateness of the approval of the Preliminary Works DA in relation to these very factors because this approval did not take into account the close proximity of the colliery site to residential areas. The Mod EA also states the noise will be monitored- *“in accordance with NRE’s approved Air Quality*

and Greenhouse Gas Management Plan.” However at the time of this Mod the MP has not been approved and the submission of this plan for approval is in fact over four months overdue, rendering the current project non-compliant. This is unacceptable.

GNRE have stated in their Mod EA that they will investigate opportunities to capture and/or reuse ventilation gases but gives no time frame or any tangible commitment. Their Preliminary Works DA mentioned the same statement but put a 2015 timeframe on it, one year after the expiration of this DA.

GNRE have mentioned in press releases that they, *“are developing new underground roadways separate from the old and existing mine workings, supports the sealing off of these old workings and prevents waste gases from being included in our mines ventilation system”*, as a means of reducing their total GHG emissions. We believe that GNRE should be held responsible and accountable for all GHG emissions from their mine; they hold the mining lease for the area and must be required to fulfill all associated responsibilities, when they seek to exploit the privileges that the lease entails. It is right and appropriate that they take responsibility for the emissions related to the entire mining lease, irrespective of which of the coal seams is emitting the Greenhouse gases.

The coal seams of the Illawarra are known to be gassy and typically release 10 or more cubic metres of gas for each tonne of extracted coal. The composition of the gas varies from being primarily methane to primarily carbon dioxide. Assuming all of the fugitive gas is carbon dioxide, a considerably weaker greenhouse gas than methane, the coal to be extracted under the current proposal would add 32,000 tonnes of carbon dioxide to the 44,000 tonnes of fugitive carbon dioxide released by the Preliminary Works project. Combustion of the extracted coal would further add 4.8 million tonnes of carbon dioxide emissions to the 6.6 million tonnes of carbon dioxide emitted from combustion of the coal from the Preliminary Works project

The DoP+I stated in the Director- General’s EA to the PAC- *“It must be noted that if the project was not allowed to proceed, the resultant gap in the coking coal supply would be almost certainly filled by another coal resource either in NSW, Australia or overseas. In other words, removing the GHG emissions from the project would not likely result in any decrease in global CO2 emissions.”* We dispute this and maintain that the existence of other suppliers should not absolve a corporation, or a state, or a state government from its environmental responsibilities to do what it can to reduce Greenhouse Gas emissions.

Air Quality

The Mod EA states- *“with the volume of coal production and transportation per annum as per the approved project - air quality impacts (and Greenhouse Gas) per annum are as per the approved project.”* but the dust is ongoing and of concern to local residents. It also states the noise will be monitored- *in accordance with NRE’s **approved** Air Quality and Greenhouse Gas Management Plan.”* However, with this MP also at the time of this

Mod the MP has not been approved and is in fact over four months overdue, rendering the current project non-compliant. This is unacceptable.

The air quality monitoring mentioned in the Preliminary Works DA only mentions monitoring particulate matter down to 10 microns (PM10). As the mining industry and NSW State Government are currently aware, the real concern is particulate matter smaller than 2.5 microns (PM2.5). We believe it is time that this industry and the State government showed appropriate due diligence and took some responsibility for the impacts of coal mining on the health of the community.

All insoluble particulates are a danger to our health but it is extensively documented that diesel fumes, coal and silica dust are of special concern and 10 micron particulate matter causes less severe health effects than finer particles below 2.5 microns. Yet the mines in NSW are only required to record particulate matter to 10 microns. Dust has always been problematic at this mine (probably due to the close proximity to residential areas that GNRE bought into and to the fact that they bought antiquated infrastructure) and GNRE need to demonstrate that they have the ability to operate this mine under 2012 regulations and afford an acceptable amenity to the surrounding community.

The ERM (2009) Air Quality Assessment was inadequate. It was based on data gathered 6km from Gujarat NRE No. 1 Colliery Mine site and monitoring points were not even considered by the mine or DoPl to be placed in local areas for **accurate** assessment for the mine and the local resident's/community's information.

The failure to locate monitors in the immediate neighbourhood notwithstanding, results for monitors 6 kms away indicated the maximum 24 hour average PM10 **would** be exceeded. If it is to be exceeded 6kms away the effects on the residents in close proximity must be assessed, readings will be far greater in a 1 km radius-which is residentially populated - especially along the NRE's coal haulage route. If monitoring points were within the 1 km radius, then results would indicate the mine representing the greatest potential source of dust emissions, and the maximum 24 hour average PM10 would, indeed, be exceeded - well beyond the allowable 5 days exceedance limit.

NRE states, Odour levels, PM10, TSP and dust concentrations that were predicted at the receiver (as per original EA), and were modeled to meet the long term air quality criteria. This criteria is only met, on the results of the receiver 6km away, which renders the results invalid for the local community area around the mine. Implementing of real time air quality monitoring equipment has still not been put into place as per approval requirements. Only when real time air quality monitoring is implemented can accurate relevant air quality monitoring data be presented.

DoPl should reject this proposal until required air quality monitoring is in place, as per approval requirements, for relevant appropriate assessment.

Noise

The Mod EA states- *“The production volumes and associated transportation activities are as per the approved project. Hence the proposed modification works are unlikely to result in noise impacts beyond those previously assessed.”* However, the noise problems for residents around the mine are ongoing and of legitimate concern to local residents. The Mod EA also states the noise will be monitored- *“in accordance with NRE’s approved Noise Management Plan.”* Once again, at the time of this Mod the MP has not been approved and is in fact over four months overdue, rendering the current project non-compliant. This is unacceptable and invalidates this application.

The mine infrastructure at GNRE No1 Colliery has an exhaust fan (in fact the only exhaust fan from the Wongawilli Seam) located only a few hundred meters from residential areas. We have been informed by GNRE that this exhaust portal could have up to five fans located on it. At the moment there are only two and the noise is creating significant concerns in the area. Countless complaints have been made to the mine and the Office of Environment and Heritage (OEH) but there has been no resolution or even progress on this issue. Due to its proximity to residences, the fan portal should be relocated to a shaft on top of the escarpment to move this noise generator to a more distant location.

Where noise monitoring receivers were placed by the proponent does not give an accurate reading for all community areas due to the topography of the land and “sound corridors”, which then can give very different readings and impacts within a very short distance of each other. The Environmental Risk Assessment states there are mitigating measures currently implemented to reduce noise and vibration; there is no evidence to support this.

All documentation refers to the “previous approved project” but the supporting documentation is not provided and current noise mitigation measures appear to be nonexistent. For example, a member of IRRM had to inform the mine of a collapsed conveyor belt bearing. The mine was notified of the noise caused by the conveyer belt problem 2 days after the noise began. The mine had not been able to independently identify and address their noise pollution. This demonstrates that monitoring, mitigation and appropriate preventative measures are not being practiced.

DoP+I should reject this application until the previous approved project requirements and noise/vibration mitigation measures are put into place and are proved to be adequate.

Coal Transport

With Gujarat NRE No. 1 Colliery’s approved project (as per the original EA) it states that there are no proposed changes to the existing transport arrangements and states there is an approved Traffic management Plan. This is not currently in place or approved.

The transport of coal by truck to Port Kembla Coal terminal is a contentious issue and one that not only affects the residents in the immediate vicinity of the mine, but also

those that drive along the same route as the trucks. The following comments relate to the Traffic Management Plan (Item 14, p. 20)

A. Trucking during PKCT approved hours.

GNRE only have approval for 7am-10pm Mon-Fri and 8am-6pm Sat & Sun, PKCT coal receival hours are 24/7. This point must be correctly written. It is totally unacceptable for this mine to be transporting coal 24/7.

Preliminary works DA states - The Proponent shall only load coal or coal reject onto trucks, or transport it off site by road between 7am to 10pm, Monday to Friday and between 8 am to 6 pm on Saturdays, Sundays and public holidays.

B. Obey legal speed limits, includes self-imposed 50km/h on Bellambi Lane.
Legal speed limits on other parts of haulage route are not currently being obeyed. Bellambi lane Self-imposed 50km/h limit is continually being ignored by some drivers. The self-imposed limit is not enforceable by law; some drivers know and blatantly ignore the limit. Evidence from a privately purchased and operated radar gun has been provided of one driver traveling at 66 km/hour (6km/hr above the legal speed limit). However, despite numerous complaints to GNRE and the transport company there has still been no resolution.

The Self-Imposed 50km/h speed limit was, in fact, requested by local residents to the mine who consulted continuously with the mine and the transport company, to ensure the safety of our children, family, friends and local work colleagues.

There have been several near misses with coal trucks tailgating along the Northern distributor, and coming to the Bellambi lane turn off, where some cars stopped for a pedestrian to cross at the crossing and the coal truck nearly smashing into the stopped cars.

Past environmental managers and officers and also the current approvals manager have consistently implied or claimed that it is not GNRE's responsibility to control the trucks that transport their coal. This is erroneous and irresponsible. The contractors and consultants of GNRE are GNRE's responsibility. We have been told by Office of Heritage and Environment that all complaints should be directed at the mine and not the contractor (consultants).

C. Ensure drivers are vigilant regarding separation distances.

When drivers are returning to the mine along the northern distributor and up Bellambi lane there is no legal separation distance maintained between these trucks, there are constantly 2 or 3 trucks together often tailgating each other. This has the potential for a major accident, with an innocent road users at serious risk of harm. Current monitoring of this is nonexistent.

D. Compression Braking

Compression braking should not be restricted to just PKCT entrance; it should be extended to entire haulage route, where residents are being affected. This should also include all trucks entering the mine (including contractors etc.)

E. Covering all loads.

This requirement has been breached on numerous occasions since the original approval, and has been reported to OEH by the public (not GNRE). The requirement of automatic tarping systems on all coal trucks hauling coal to PKCT needs to be included in the plan. The current inconsistent load coverage and holes in tarps causes ejection of coal from the load. This may cause serious harm to other road users. This also causes coal to fall to the road, which then gets crushed by further traffic and turns to coal dust.

F. Washing all trucks prior to leaving the site that travel on unsealed or dirty roads.
All trucks must be washed upon leaving the site, regardless of road condition, or where they have traveled on site. If truck the wash facility cannot be utilized, no truck should leave the site. This should be the same as it is at the PKCT.

This traffic Management plan was a requirement of the original approval and ALSO of the PKCT 24/7 application.

Gujarat NRE No. 1 Colliery is still non-compliant with these requirements, therefore any further applications should be rejected by DoPl until full compliance.

Pollution/air quality and trucking

Houses and surrounding land and businesses are continually covered with coal dust from the trucks and the coal dust on the roads. Dust storms are continuously being formed with the coal trucks movements which exacerbate the coal dust on homes and personal property; eg: washing on the line, cars parked in driveways, on outdoor furniture and in ceilings and homes.

For example, the day the coal trucks ran out from the mine while the truck washing facility was out of order, these pollution/air quality/dust problems were significantly exacerbated. Nothing was done about this issue, until one member of the public reported it to the EOH and GNRE continued to operate in non-compliance with regulations when the deficiency was reported to the EPO by the public.

Road street sweeper protocol needs to be put into place on a daily/2nd daily occurrence to minimize coal dust in this residential area.

Trucking Noise

Concerns regarding truck noise include:

- When coal trucks drive along Bellambi Lane, there is constant noise which disturbs the neighborhood.

- Coal trucks rattle constantly while being driven - tail gates especially,-no changes have been made since the first application. The intersection at the corner of

Bellambi lane and the Princes Hwy (entrance to the mine) is progressively getting rougher; when a coal truck goes through the intersection, the tailgate and/or any loose mechanical part rattles and vibrates, clangs and bangs.

- There is constant brake squealing/lock up, when coal trucks are slowing/stopping; braking noise is very loud, and is magnified at night time- there has been little change for community since First Application.

- When there is a ship in port there is a “push” to deliver the coal to the PKCT faster, this means more noise due to increase of trucks on the road at these times. This also means engine noise is magnified, especially at night.

Trucking Safety

Concerns regarding truck safety include:

- Even though there is a “code of conduct”, a large percentage of truck drivers do not adhere to this policy.

- Vehicles entering their properties and customers entering places of business have nearly been “mowed” down by the trucks, where the drivers have not realized that this is what is happening (they appear to assume that the cars are turning at the traffic lights further ahead).

- Some of the trucks have been witnessed skidding through the RED traffic lights as they have been speeding and could not slow down properly, and have had to “Lock Up” their brakes to stop, which they cannot do before the stop line

- The trucks have been witnessed deliberately driving through the red light to avoid having to wait.

The management plans do not take into account or consider any of these points. They do not address the problems and therefore they require modification.

Since approval for the mine to re-open, and extension of haulage hours to PKCT, quality of life as we had before, is not to 2012 standards, we seem to be going back in time. The only time we have peace from the coal trucks, is when they are not hauling coal and Bellambi Lane returns to a “normal” suburban street.

GNRE have been struggling with how to get coal off of this site from day one. In eight years they still haven't mastered it, in fact recently they extracted 250,000 tons of coal in a quarter for the first time and it was hell for the residents in the area. GNRE have an expansion development approval in place to increase it to 3million tons per annum and they are talking up to 4million tons in public presentations. Given that this mine is serviced solely by trucks down Bellambi Lane and that their record to date has been appalling, we demand that this situation be fixed immediately or that all mining is to cease at this site.

It can't be difficult to ensure that the trucks leaving this mine are clean, covered, in good mechanical condition and that the drivers obey the recommended guidelines. If GNRE cannot monitor a simple publicly visible aspect like this, how can we trust them to monitor and report the damage they are creating in the water catchment area.

There are no speed cameras, vibration monitors, dust monitors or surveillance cameras down Bellambi Lane. Given the problem that these trucks cause, GNRE should show some responsibility and due diligence and get it fixed.

Community

A Community Consultative Committee has finally been set up after a long hard fought battle by IRRM and community members. GNRE were trying to supplant the DoP+I CCC model with “their own strategy”. (This strategy was going to include a 50 strong panel, members selected by GNRE’s consultant and run by GNRE themselves.) It is now curious that GNRE stated in their Mod EA- *“Previous to establishing a CCC, NRE undertook interviews with the community utilising an independent third party to assist in understanding the community’s key interests. NRE identified some key steps in Community Engagement as follows: **Step 1** – Identifying stakeholders / community of interest and the role they can play in Gujarat NRE’s community engagement. **Step 2** – Interview those key community stakeholders and research / understand their interests and experience of effective community engagement. **Step 3** – Determine from these key community areas/groups, what is believed to constitute effective community engagement and interpret the key messages. **Step 4** – Build community engagement with the community utilising Community Engagement Principles drawn from Step 2 - Community Interviews. **Step 5** – Integrate the above into a Community Consultative Committee.”*

This statement suggests that GNRE were attempting to broker an accord rather than trying to deny the community of an independently chaired, proven model that is the minimum requirement of every mine in NSW. It is even more curious that while this process of an alternative community consultation strategy was going on, GNRE was in the process of an approval SMP with DRE containing seriously misleading documentation allegedly reporting community consultation. They also neglected to mention this fact when they gave the community involved an update of their approval process.

The Mod contains a Statement of Commitment that is misleading and largely erroneous. The Statement contains unacknowledged removal and replacement of information that gives a totally different meaning of their commitment. Under the new Mod Statement of Commitment, GNRE will now do all their dissemination of information to the CCC and they will no longer be bound to having meetings or provide newsletters to the community as stated in the Preliminary Works DA. This is a not an appropriate way to consult or inform the community. The CCC is a mechanism that was required to be set up by following the DoP+I CCC guidelines. If GNRE wish to vary from the approved model then they should make submission to the members of that CCC and the community. There are numerous things that GNRE could put in place that would enhance the effectiveness of the information dissemination. GNRE and their consultants have put together, with the community’s time, effort and assistance, a 70 page document on good communication. They should now enhance the current community consultation strategy by implementing some - or even all - of these measures!

Socio Economic factors

The Mod section starts off with a disjoint statement that the community (presumably residential area) was built around the mine and because of its proximity to the site they will incur most of the impacts. This mine actually has the closest above ground infrastructure to homes of any mine in the Illawarra. This mine has very antiquated infrastructure. This mine in the past actually sold off land for residential development. This mine is one of the few remaining mines that rely solely on trucks to transport coal to PKCT. This transportation is done through residential areas. This mine was on the verge of closing down in 2000 and was bought by the current owner in the full knowledge that there are residential areas in close proximity and that the infrastructure was not up to modern operational standards. This mine was purchased for future operations and seeks approvals for development and operations in 2012 and must be compliant under the strictest regulations possible because of its close proximity to the existing built up residential area – a residential area that pre-dates the ownership of the mine by its present proprietors.

GNRE's public relations and media arm repeatedly raises the point of the employment it provides in defense of its operations and its expansion. No-one wants to see people's jobs under threat. It is disappointing to note that GNRE's Mod EA states- *"The proposed modification will have a range of positive social and economic impacts to the local area, including: maintaining current employment of approximately 222 employees."* Their Preliminary Works DA stated that there were to be 259 employees plus 78 contractors, a total of 337 jobs. The 222 employees is 115 down from the stated in the Preliminary Works DA and yet there is no explanation of why this has occurred. Is it because the mine are now using their longwall machine or are they further cutting costs because of their economic situation? Either way this drastic reduction in employment at the mine should not go overlooked or undisclosed; losing 34% of its workforce in a modification to any development approval is a major concern. It is also a further point supporting the rejection of this proposal so that GNRE can focus on completing the first workings extraction that it claimed it would complete when it gained the Preliminary Works approval.

Community funding commitments are not addressed in this modification. The Preliminary Works DA documents \$0.1m-\$0.15m commitment to specified groups over two years, is this funding to remain and why isn't it being extended under this modification?

Visual impact

The mine is located in a sensitive escarpment area. Gujarat NRE should be more sensitive to the beautiful environment they operate in. The visible components included in this application should not be limited to the new items but should also address the existing structures. The existing zincalume shed is the most obvious of these and should be upgraded to reflect the intent of the Illawarra Strategic Management plan and the current DCP/LEP of Wollongong City Council. The shed should in the least be painted or over clad to soften the impact against the escarpment.

Conclusion

IRRM Inc is a group of concerned individuals who have followed GNRE's operations and activities since the corporation took over the Russell Vale Colliery and related mining leases. Many of us are neighbours of the mine and are intimately acquainted with the Colliery's activities and impacts. We now share the increasingly widespread view that that DoP+I expresses atleast degree of 'regulatory capture' and fails to meet its responsibilities to the broader NSW community under the Planning Act. An accumulated pro-proponent culture within the DoP+I is reinforced by the Government having an inherent revenue driven conflict of interest.

Proponents apply pressure to Government by emphasizing royalty revenues, capital investment and jobs. The royalties lost in sterilizing sensitive areas of the catchment are very small relative to annual State revenues and likewise the number of jobs is small relative to the regional workforce. Capital investment may be in equipment manufactured overseas and profits primarily go offshore. It is not reasonable to assume that other opportunities would not emerge.

Proponents and Government do not fully assess the impact costs of mining, which include increasingly evident and largely quantifiable health and utility infrastructure costs to the tax payer and largely unquantifiable short and long term environmental and social costs. In assessing mining royalty benefits, proponents and Government do not take into consideration the increasingly recognized health costs of coal combustion. The toxins and compounds produced when coal is burnt include mercury, sulfur dioxide, nitrous oxides and fine particulates which penetrate deep into our lungs. It is folly not to assess the full life cycle costs of coal mining and usage.

The SCA estimates that more than 90% of the Special Areas will be undermined in the next twenty years. In ignoring the concerns and recommendations of the SCA, DECCW/OEH and community, the DoP+I appears to calculate that if the Special Areas are degraded, a new filtering plant or desalination plant can replace the lost natural resource. A desalination plant costs some \$2 billion dollars and twenty years of state royalties might cover that cost, depending on the future of coal market. No amount of royalties could ever replace the environmental loss.

Irrespective of any merits or drawbacks of this proposal, GNRE is not an appropriate corporation to extract this coal or operate this colliery. They have demonstrated that they are incapable of self-regulation. They are either unwilling or lacking the resources to bring the antiquated infrastructure at the Russell Vale Colliery up to modern standards and demonstrate no wish to do so.

A test for the suitability of GNRE to carry out the extraction proposed in this Modification is that the almost complete extraction of LW4, as far as we are aware, has been a failure. The public was informed that an error in alignment of the longwall machine resulted in clay contaminated coal.

In conclusion, we would like to emphasize four points:

- The Sydney Water Catchment Special Area is not an appropriate location for an experiment in third tier mining, with two tiers of longwall mining. The risk to the affected swamps, creeks, watercourses, habitats, ecosystems and threatened species is unacceptable.
- A residential area, with homes, families, children and older citizens just a few hundred metres from coal stockpiles, coal seam exhaust fans and other antiquated polluting infrastructure is not an appropriate place for a colliery. The point is emphasized by the lack of any other coal transport options except trucks.
- Irrespective of any merits or drawbacks of this proposal, GNRE is not an appropriate corporation to extract this coal or operate this colliery, as previously mentioned. They have demonstrated that they are incapable of self-regulation. They are either unwilling or lacking the resources to bring the antiquated infrastructure at the Russell Vale Colliery up to modern standards.
- There is more to consider than royalties and a small number of jobs.

For these four reasons and the many more outlined in this submission, we ask for this Modification proposal to be rejected.

IRRM has not made donations to any political party.

Yours sincerely,

Gavin Workman, 2 Powell Ave, Corrimal.
President, on behalf of
Illawarra Residents for Responsible Mining Inc.