

To whom it may concern

I object to the Wongawilli Mod 2 North West Mains Development (MP09_0161-Mod-2).

The reasons for my objection include the following:

Greater Sydney Water Catchment should be off limits to extractive industries.

The primary land use of the Special Areas should be as a water catchment. The concurrent land use of underground coal mining is incompatible with this. Sydney is the only city in the world that allows mining this close to its water supply.

Avon Reservoir and its catchment should not be undermined

The new driveage will extend beneath Avon Reservoir, which is the only source of water supply to over 310,000 residents and businesses in the Illawarra region. This vital water resource should not be undermined, and nor should its catchment.

I refer to the submission of Sydney Catchment Authority dated 13.12.10 and accessed on 3.3.21 at: <https://majorprojects.affinitylive.com/public/e9e1a3b5c67f32c57a50bcc1a4c9ac47/Sydney%20Catchment%20Authority.pdf> which states:

The SCA objects to approval being issued at this time for the Western Driveage, which is designed to provide access to a potentially large new mining area in relatively pristine parts of the Schedule 1 Metropolitan Special Area located in the catchments of Avon and Nepean dams. The SCA is concerned about the potential piecemeal approach to assessment, particularly given that the application of the recommendations from the Planning Assessment Commission report on the Bulli Seam Operations Project to this area would severely limit mining opportunities. The SCA notes the driveage is approximately 5 kilometres long and is unlikely to be financially viable without longer term returns. The SCA is very concerned that prior approval of the driveage will result in considerable pressure being placed on assessing and approval authorities to approve future mining projects which could compromise water quality and water quality. The SCA therefore considers the driveage should be assessed at the same time as assessment is carried out for any proposal for mining in the Western Area. This would enable the entirety of impacts of the project to be assessed and a more integrated approach to be taken to the management of impacts.

The SCA is concerned that there may be a potential for water from Avon reservoir to enter the Western Driveage. Mining occurred under Avon Reservoir in the late 1970's and early 1980's and there was a period when high inflows to the mine occurred over a protracted period. While the then mine operator considered there was no hard evidence to prove the water make was from the reservoir, the DSC considered this to be the source.

The Department's failure to heed the advice of SCA/WaterNSW and the approval of the original project does not make this objection less relevant. In fact, it is more relevant today than it was a decade ago – escalating climate change, the recent drought and black summer bushfires confirm that water resources must be protected and preserved by government. The public interest for a secure and pristine water catchment and storage must be put ahead of corporate mining interests.

Method of determining Modification

I dispute this method of determining the Modification application. Greater Sydney Water Catchment is a crucial strategic resource for the State of NSW. The consent authority is listed as the Minister for Planning and Public Spaces. We saw with the Dendrobium Extension Project that the Department's recommendations can be flawed. They can be compromised by misinformation and a kind of cognitive capture that is much more aligned to the interests of coal mining companies than the public interest. I submit that this application should be rejected. If it is not, at the very least it should be re-exhibited and referred to the IPC for a public hearing.

The addition of the driveway beneath Avon Reservoir makes this a significant change to the original project. This is even more concerning as Avon Reservoir has already been compromised by mining in the 1970's and 1980's. Therefore, I reiterate that it is inappropriate and it compromises public trust in the decision making process to have the Minister as the consent authority. It is also just plain wrong to take the advice of a legal firm hired by the proponent into consideration in determining the consent authority.

Wollongong Coal Ltd (WCL) has had 10 years to progress this project this project. Instead of completing the project as per the original approval, WCL has demonstrated why it should not be approved to mine Greater Sydney Water Catchment.

Among the events that illustrate that WCL is not a suitable proponent to mine the water catchment for 5.5 million people, I would like to specifically raise the following:

- 2 penalty notices issued by Resources Regulator for failure to pay rents and levies related to Wongawilli mine, October 2016
- Investigation by NSW Resources Regulator into whether the Company is fit and proper to hold mining licenses, May 2017 and still ongoing
- Investigation into "catastrophic failure" of diesel engine at Wongawilli and the lack of appropriate maintenance, testing and inspection that led to the failure, November 2017
- Prohibition notice issued by Resources Regulator for Wongawilli due to unsafe working conditions, April 2018
- Resource Regulator issues stop work order for Wongawilli over serious safety concerns, March 2019, and launches investigation, April 2019
- Formal warning for "Failure to test the Pollution Incident Response Management Plan (PIRMP) for Wongawilli Colliery within the 2016.17 reporting period in line with the POEO Act 1997" Aug 2017
- Fine for failing to hold mandatory community consultative committee meetings - In December 2017, WCL was fined \$15,000 by NSW DPE – the maximum penalty – after it failed to hold three required community consultative committee meetings.
- Enforceable undertaking required between the Department, WCL and WCPL, which included \$300,000 bank guarantee, \$147,000 charitable undertakings, \$24,000 legal costs, reviews of systems and financial capacity, an audit, staff training and payment of fees in advance. June 2018
- Resources Regulator commences investigation over whether Wollongong Coal Ltd has the financial capacity to comply with obligations under Mining Act, April 2019

- An oil spill at Wongawilli Vent Shaft 3 which required extensive clean up including removal of contaminated soil in the Schedule 1 Special Areas – May, 2017, July 2018. (Details are not easily accessible in the public domain, so there may be more to this.)

As previously stated, Greater Sydney Water Catchment should be off-limits to extractive industries. However, if we were so reckless as to allow our water catchment to be mined, *at the very least* the proponent should be well resourced and demonstrating a high level of technical expertise. This is clearly not the case in WCL.

Conclusion

The Government of NSW is digging itself a hole with its enthusiasm for mining our publicly owned water catchment. It's a hole that the people of NSW are going to have to pay to get out of. Here is a chance to take a stand and say **no**. The project is tiny and ill conceived. The economic benefits – for the State of NSW at least - are not significant. Economic benefits to WCL's parent companies, Jindal Steel and Power Ltd, India and JPSL Mauritius should not be relevant. The proponent does not have the technical expertise or capital to carry out the project responsibly and safely. The risks are great. Damage to the Schedule 1 Special Areas could be long term or even in perpetuity.

I urge you to refuse this application.

Kaye Osborn

3 March 2021