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26 August, 2025

Objection to Peabody Metropolitan Colliery Longwall 317 and 318 Modification proposal

I thank the Minister for calling the Peabody Metropolitan Colliery Longwall 317 and 318 Modification proposal (MP08_0149-Mod-4) in for consideration under the Commonwealth EPBC Act, and welcome the opportunity to make an objecting submission. This mine expansion should be refused. There will be -

- **Likely impacts on National Heritage places (sections 15B and 15C),**
- **Impacts on listed threatened species and communities (sections 18 and 18A),**
- **Impacts on two separate water catchments, both protected,**
- **And a development outside of the previously approved mining lease area**

Public Opinion does not support this mine

In 2019 I was shocked to find that there was a coal mine directly underneath my drinking water catchment. After reviewing a number of reports I drafted a hard copy petition that cited issues flagged by WaterNSW, that mining at Woronora had

> '…environmental consequences [that] have caused (or are likely to cause) breaches in conditions in the relevant development consents, including performance criteria to protect watercourses and Sydney's drinking water catchment';

And, further, that there are

> '…numerous deficiencies in the manner that analysis and modelling is currently being used to support mining applications.'

The petition called for the mine to be shut, and it was eventually signed by over 10,700 people. A later online Greenpeace petition received a similar response.

Sutherland Shire is a politically conservative area, but the petition demonstrated that the community believes that protecting our water supply is vital - even people who supported coal mining did not believe mining under a protected water catchment was acceptable. At the time, people who signed the petition told me they doubted it would succeed, as turned out to be the case. Many viewed the political process with cynicism, and saw the Peabody operation as a marker of corruption. When they found out the mine was approved in 2009 under the NSW Labor government of Eddie Obeid and Ian McDonald, this cynicism deepened.

That same year an additional 25 local community groups and environmental conservation organisations signed statement I prepared which called for the mining permits to be rescinded due to this operation being inconsistent with legislated Objectives of WaterNSW. These groups included the **Nature Conservation Council**, **Total Environment Centre**, **Greenpeace**, the **Illawarra Local Aboriginal Land Council,** and **Doctors for the Environment**.

Sutherland Shire Council has also recognised the importance of the Woronora catchment, with Council consistently opposing the mine, writing to Planning in 2007, 2008, 2014, 2019, 2020, and 2021. On 18 August 2025 all Councillors once again unanimously resolved to oppose this modification because of the ongoing risk it represents to the water catchment, and the Royal National Park.

This modification would be unlikely to be approved as a new mine application today

The Peabody Metropolitan Colliery mine approval (MP08_0149) was granted 16 years ago now.

Through the intervening period the research on mining impacts has grown considerably. The significant role played by swamps in catchment 'infrastructure' was not fully appreciated when the current longwall operation was approved in 2009. The Coastal Upland Swamps in the Woronora catchment are now listed as a threatened "endangered ecological community". Such swamps are now recognised as "facing a very high risk of extinction in New South Wales in the near future". New research published in the last two years has found that damage to swamps from mining is irreversible, and that climate change impacts will exacerbate such damage.

These endangered swamps purify the water, storing it to be released slowly, even as other parts of the catchment become dry.

Peabody has now estimated that another six endangered Coastal Upland Swamps could be destroyed as a result of MP08_0149-Mod-4: even as they are clearly attempt to underplay the possibility of that damage.

In 2019 the Independent Expert Panel into Mining in the Catchment (IEPMC) Report found that predictions by mining companies about the impact of mining has not proven reliable.

> In the event that a subsidence impact or environmental consequence exceeds a performance measure, Metropolitan Coal would be required to remediate the impact in accordance with Condition 6, Schedule 6 of Project Approval (08_0149).
>
> If subsidence remediation measures are not considered to be reasonable or feasible, or have not been successful in remediating the impact, Metropolitan Coal would provide an offset to compensate for the impact or environmental consequence in accordance with Condition 6, Schedule 6 of Project Approval (08_0149).

The original conditions of approval allow Peabody to purchase offsets if remediation is not possible (p.48). Offsets, credits for land purchased elsewhere, cannot make up for the destruction of swamps that compromise a vitally important, integral, whole ecosystem. There is no reasonable monetary recompense that can make up for the loss of this critical public asset.

In February 2021 the Independent Planning Commission (IPC) agreed with this assessment and chose to protect Sydney's water supply from irreversible damage from the South32 Dendrobium mine extension, pointing out that it was not in the public interest:

> "**Based on the potential for long-term and irreversible impacts** – particularly on the integrity of a vital drinking water source for the Macarthur and Illawarra regions, the Wollondilly Shire and Metropolitan Sydney – **it is not in the public interest**."

Peabody has stated outright in their Modification proposal that they envisage this extension as the start of a whole new mine. The plan is shown in practical terms by the new first workings to the west. A significant proportion of this modification proposal is also outside the current mining lease. **The plan appears designed to bypass the stricter environmental protections that new mining operations are now subject to for as long as possible.**

Woronora Reservoir is critically important public infrastructure

The Woronora Reservoir catchment is of vital importance to the Sutherland and Wollongong local government areas. It offers an **essential community service**, a source of water for both LGAs. Woronora is a vital part of the Greater Sydney Water Catchment, an essential backup which can be drawn on in the event Warragamba is compromised, as happened during the cryptosporidium scare, and following the horror summer bushfires, when ash pollution runoff, algae, debris, and dead animals compromised the purity of the water in the Warragamba Reservoir.

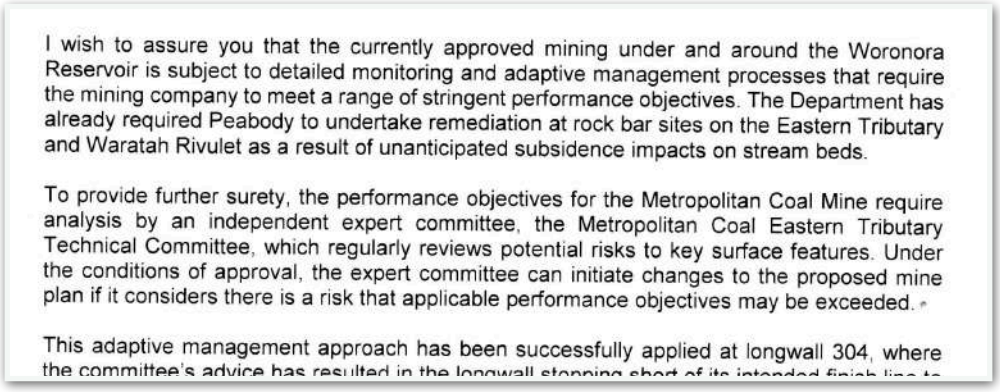
Maintaining the integrity of our catchment is more important than ever now the Blue Mountains catchment has been contaminated by PFAS.

The official **2022 Independent Drinking Water Catchment Audit** has recognised the general threat to the catchment from mining, exacerbated by the increasing threat of climate change impacts. Recommendation 11 of the 2022 Statutory Audit states that mining operations currently in the catchment need to increase all buffers around swamps and streams, including 2nd and 3rd order streams (pp.297-8). There is no evidence this is being taken into account in Peabody's expansion plans. Minister, when you review this modification, please do not dismiss Recommendations intended to ensure that WaterNSW is able to meet its legislated objectives.

Monitoring, and calls for further monitoring, are not dealing with the damage

Through the six years I have been following the Metropolitan Colliery operations, many people have contacted me who have written to local MPs complaining about the mine. All have been distressed by pro-forma responses, forwarded on from Planning, or reiterating their advice. These letters always state that the government of the day is committed to protecting our water supply, and has consulted widely with various 'experts' to ensure that it is protected.

In January 2020 a letter sent to a resident by Steve O'Donoghue on behalf of then Planning Minister Rob Stokes spoke of careful monitoring, adaptive management, and remediation -



I wish to assure you that the currently approved mining under and around the Woronora Reservoir is subject to detailed monitoring and adaptive management processes that require the mining company to meet a range of stringent performance objectives. The Department has already required Peabody to undertake remediation at rock bar sites on the Eastern Tributary and Waratah Rivulet as a result of unanticipated subsidence impacts on stream beds.

To provide further surety, the performance objectives for the Metropolitan Coal Mine require analysis by an independent expert committee, the Metropolitan Coal Eastern Tributary Technical Committee, which regularly reviews potential risks to key surface features. Under the conditions of approval, the expert committee can initiate changes to the proposed mine plan if it considers there is a risk that applicable performance objectives may be exceeded.

This adaptive management approach has been successfully applied at longwall 304, where the committee's advice has resulted in the longwall stopping short of its intended finish line to

It was known at the time that the so called 'remediation' involved the application of polyurethane grouting to subsidence cracking. No member of the public I have ever spoken to thinks it is acceptable to crack the bedrock in this manner. Without exception, everyone I have ever discussed this with thinks the use of grouting as a solution is an utter travesty.

In 2019 the Independent Expert Panel into Mining in the Catchment Report (IEPMC) found that predictions of the impact mining will have in terms of consequences for watercourses 'remains an incomplete process'. The solution at that time was presented as further monitoring.

In October 2023 the NSW government's new Independent Expert Advisory Panel for Mining (**IEAPM**) flagged further concerns about damage caused by Peabody's current operation, and inadequate monitoring:

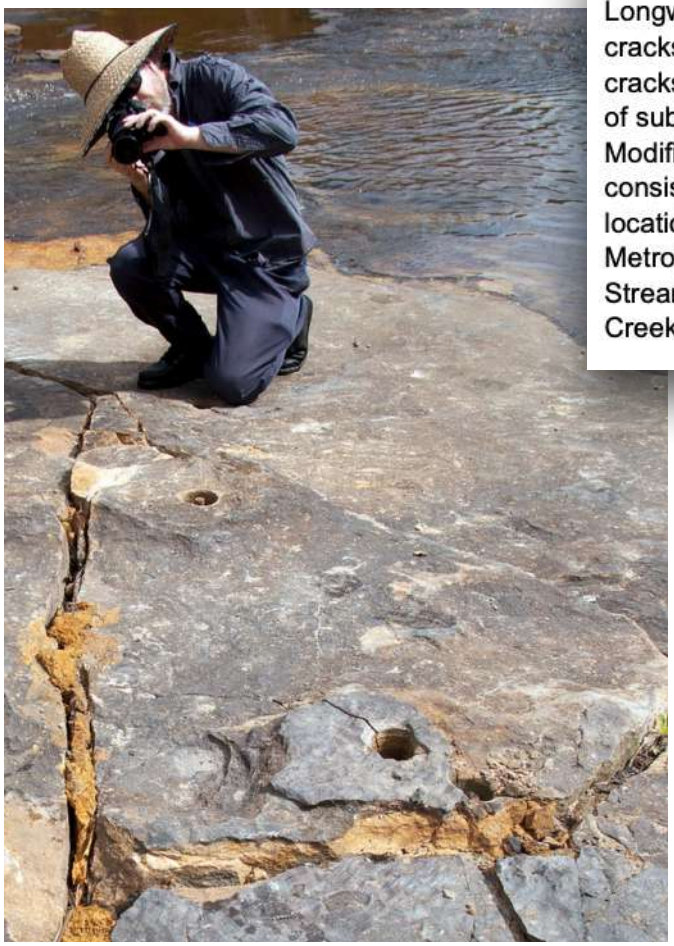
> "… the Panel **cannot rule out the possibility that the Metropolitan Mine has had a non-negligible adverse impact….** The Panel considers that the depth of analysis provided in the annual and six-monthly reports, while significant, is incommensurate with the uncertainty regarding mining's potential contribution to the degraded water quality and **incommensurate with the consequences of the degradation in terms of the ability of WaterNSW to meet the Raw Water Supply Agreement** and in terms of the disruption to operation of the Water Filtration Plant (WFP)."

So in this review of Woronora water quality in 2023 the IEAPM took the precaution of qualifying their assessment by stating that they could not rule out the possibility that Peabody has breached its conditions of consent. Their solution was yet another call for further additional monitoring.

The Peabody mine has a history, a pattern of ongoing reports of damage over many years. There's a history of promises about 'adaptive management' to 'protect' the catchment; repeated concerns expressed by consultants calling for even more monitoring, while alarm expressed by various government agencies about the current operation is dismissed or brushed over. This includes reports by a former WaterNSW mining manager Peter Dupen flagging a new type of irreversible basel shear cracking. The same thing happened to a report by Sydney Water Executive Catherine Cunningham, focusing on Peabody's impacts on the ecology and water quality of streams.

With the current modification proposal Peabody meanwhile positions its predicted subsidence cracking at the pristine Honeysuckle Creek as unremarkable, its appalling grouting as a reasonable solution, along with offsets for irreversible damage to swamps. This is more a case of anything goes, not careful 'adaptive management'.

Subsidence caused by the extraction of Longwalls 317 and 318 may produce surface cracks/factures to Honeysuckle Creek. Where cracks/fractures do not naturally seal post-cessation of subsidence movements associated with the Modification, remediation works would be conducted consistent with that undertaken to date at impacted locations in Eastern Tributary and Waratah Rivulet. Metropolitan Coal would update the approved Stream Remediation Plan to include Honeysuckle Creek prior to commencing any remediation works.



In March 2025 the IEAPM assessment of the LW312 - LW316 again called for *negligible consequences*. It is extraordinary reading reports by consultants discussing what constitutes *acceptable* damage. Perhaps it is hard for members of the Panel to understand the disgust and helpless ressentiment members of the public feel when they find out about the mine.

Peabody's disregard for the importance of swamps described in this latest report is shocking, they appear to dismiss the EEC status of anything lying in their path. More monitoring and more damage is again presented as a solution by the IEAPM. A determination as to whether swamps here are 'of special significance' is labelled *academic*. It is always academic till the damage is done after the fact. The Panel assessment is satisfied with offsets as a repair for permanent damage to an EEC. Again, this is a solution most members of the public would find repugnant.

It is worth noting again that no other country in the world allows mining in publicly owned drinking water catchments.

Once drought sets in again the current mining impacts will become far more apparent as damaged swamps fully dry out and contaminant loads become more visible in watercourses. There is also the question of the unknown quantity of contaminants accumulating on the bottom of Woronora Reservoir as a result of mining induced subsidence. Exactly what impact does this have on **the ability of WaterNSW to meet its Raw Water Supply Agreement?**

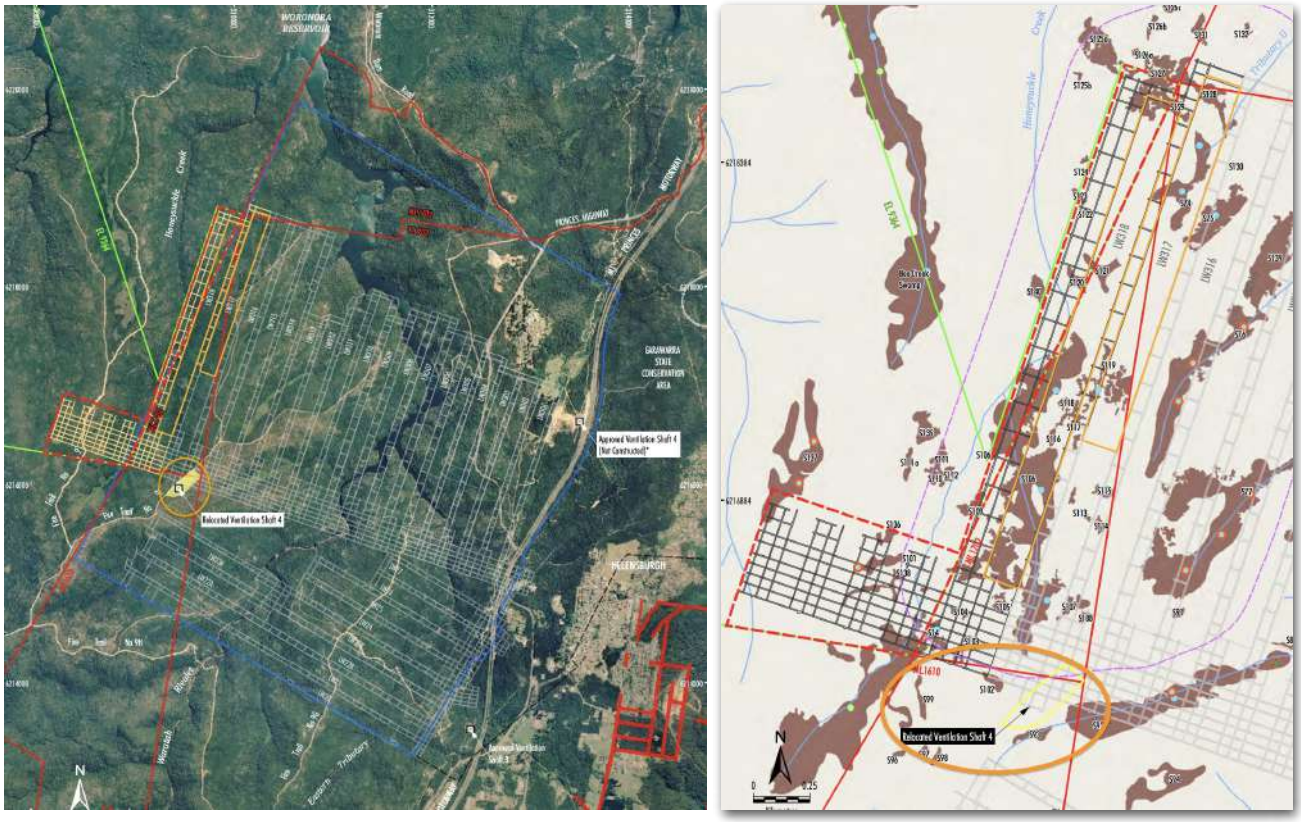
A 2019 freedom of information request by the Australian Broadcasting Corporation found sludge accumulating on the bottom of Cataract and Cordeaux had resulted in elevated levels of iron that exceeded acceptable limits more than 90 times in three years. WaterNSW research indicates that the level of contaminants at Woronora is increasing, and is only likely to worsen, **but no definite research on this issue is available.**

Eastern Tributary, Waratah Rivulet. 2019. Photo credit: Kaye Osborn

A dishonest backdoor to further modifications, even deeper into the catchment

Copied below are two views of Peabody's mining operation side by side. The image on the right shows the swamps, in brown: the new longwalls run directly through one of the most sensitive parts of the catchment, vital for purifying our drinking water.

The National Parks Association has written numerous submissions describing upland swamps as unique; as such, they cannot be replaced by offsets elsewhere. Ann Young, a member of the IEAPM made the same point in her 2017 book *Upland Swamps in the Sydney Region* (2017).

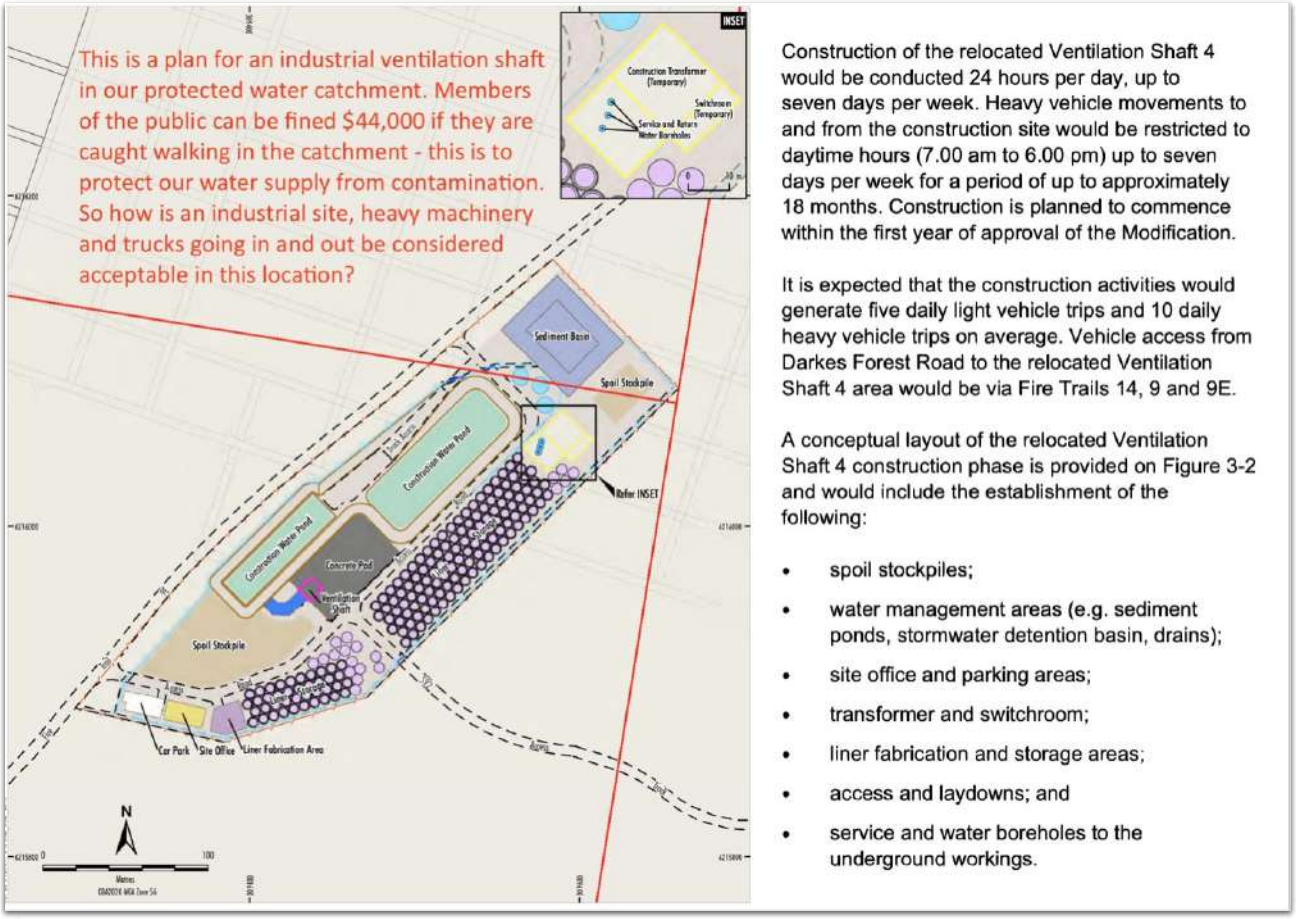


In addition to the swamps another serious point of concern is the proposed new ventilation shaft, circled in orange. This ventilation shaft was previously approved in a location adjacent to the Princes Motorway. Peabody never built it, despite concerns about gas in the mine. They now want to shift it deeper into the catchment.

Peabody is proposing to clear around 4 hectares of land, and set up an industrial zone, with spoil stockpiles, sediment ponds, a car park and so on. Peabody wants trucks and cars into this sensitive area where the general public are not allowed to walk in case they cause damage.

It appears Peabody has no regard for the ecological integrity of this 'protected' area.

Another feature to note in the plan above are the first workings for the next stage of the expansion Peabody is planning, shown to the west of the proposed longwalls. (The company has openly stated they intend to expand further into the area covered by EL 9364, and presumably ELA 6929 if that application is granted.)



Endangered Species in the Woronora 'Special Area' catchment + offsets

Threatened species impacted through this area include -

- Giant Dragonfly (Petalura gigantea),
- Eastern Ground Parrot (Pezoporus wallicus wallicus),
- Giant Burrowing Frog (Heleioporus australiacus),
- Littlejohn's Tree Frog (Litoria littlejohni),
- Red-crowned Toadlet (Pseudophryne australis),
- Broad-headed Snake (Hoplocephalus bungaroides),
- Eastern Pygmy-possum (Cercatetus nanus),
- Powerful Owl (Ninox strenua),
- Large Bent winged-bat (Miniopterus orianae oceanensis),

Peabody appear to regard these threatened species as replaceable via the purchase of ecosystem offset credits.

In any other environment this may be feasible, but the Woronora Reservoir is a protected area, and offsets cannot replace a damaged catchment ecosystem.

Damage to the Royal National Park - Hacking River catchment

Peabody's Metropolitan Colliery has worse impacts than most mine operations - not only confined to the Woronora Reservoir catchment. A second water catchment has also been damaged by this mine, the Hacking River catchment, the site of Australia's oldest National Park.

Public outcry about Peabody's mine under the water catchment made every major newspaper in Australia in 2020. In 2022 people across Australia were disgusted to find that Peabody was also discharging coal waste pollution into a creek that flows through the length and heart of the Royal National Park. The Hacking River in turn discharges to Port Hacking, a significant and environmentally sensitive estuary in its own right.

So two catchments damaged, not just one.

Left: Coal sludge waste in a creek running into the Royal National Park, 7 September, 2022

Above and below: Coal waste sediment at the Audley Weir RNP precinct, and along the Hacking River, February, March 2023

The Royal is gazetted on the National Heritage list:

> "… it has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history."

The Colliery released polluted waste material into Camp Gully Creek on numerous occasions through 2022 and 2023. I have photographic evidence of earlier spills which the company was never prosecuted for. The Hacking River is now full of coal waste and fine coal sediment which is unlikely to ever be properly remediated. The photo on the preceding page of discoloured grey sand was taken along the Hacking River, just below the confluence of Camp Gully Creek. That's fine coal sediment causing the discolouration.

In August 2023 a serious landslide impacting the mine embankment adjacent to Camp Gully Creek sent further contaminated mine waste into the Hacking. (A report from a whistleblower claimed this was a result of industrial malpractice, a pipe from the Turkeys Nest sediment pond connected up incorrectly.) The photo below was taken on 13 August 2023, at the back of the mine embankment abutting Camp Gully Creek. Peabody was never prosecuted for this discharge or the tons of pollution that again flushed down the river through the Royal National Park.

**** No proper emergency risk management plans were put in place to stop the coal waste flowing downstream during any of these pollution events. There are still no emergency risk management plans to prevent coal waste flushing downstream if another discharge occurs.**

I reported a second landslide in Camp Gully Creek to the EPA on 18 September 2024, with another photo as evidence. Strangely the EPA claims they could locate it. The embankment is difficult to access. Perhaps they did not venture far enough down there?

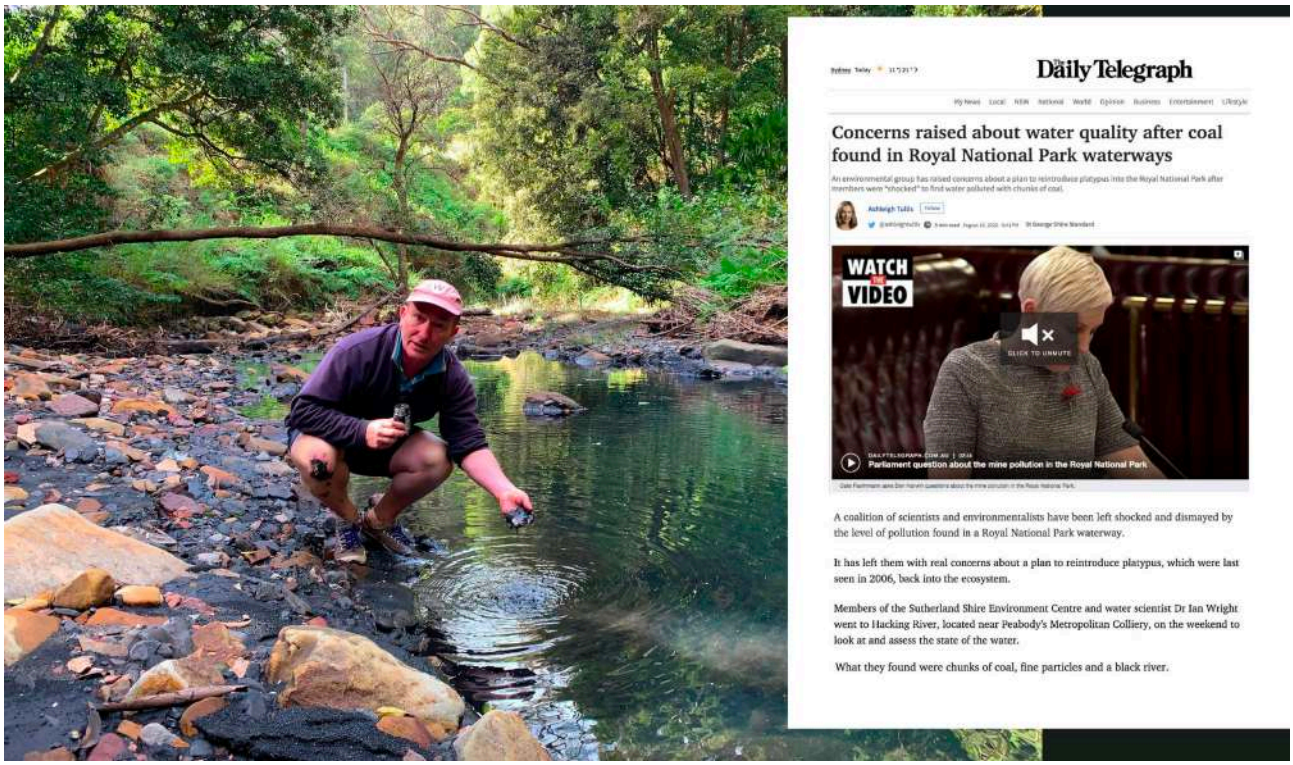
What is clear is that Peabody has proven they cannot be relied upon to self regulate, and the EPA regulation of Peabody has been wanting. For the pollution impacts on the Royal National Park the company was fined a mere $196,650 plus costs, which is totally insignificant for a company of Peabody's size. The fine was a minor costs of doing business. A *New Daily* headline encapsulated the feeling of many: "You know our environmental laws are broken, when a coal mine makes 1000 times what it costs to pollute". (As a comparison, on this point, Peabody made the top ten corporate tax dodgers list yet again in 2023, with a total income of $29,204,870,432. The company still paid no tax.)

As another measure, in the end it turned out to be cheaper for the company to discharge coal waste into the Royal than it was for it to fund a 2019 $14 million 3 year contract to transport sludge from the holding dams off site.

It was fascinating to find court documents reveal that Peabody knew since late August 2019 that the Turkeys Nest Dam was full of coal waste sediment. It is unclear exactly why the company chose to retain "a consistently high volume of sediment until late 2022".

I made representations to Cate Faehrmann MLC in 2021 following discharges three Sutherland Shire Environment Centre members had each separately seen in Camp Gully Creek (Dr Tassia Kolesnikow, Bob Crombie, and Ian Hill). Cate Faehrmann raised concerns about the company discharging coal waste into the Royal in parliament in November 2021, and was assured by MLC Don Harwin on behalf of the Minister that the EPA was managing the mine effectively, and would continue to "adaptively regulate the Colliery, and new improvement programs will be added as needed to protect the waters that flow into Royal National Park."

Clearly that did not happen. According to the judgement it was only in January 2022 that an EPA representative inspected the Colliery, and observed the sediment in the holding dam had "reached the same height as the LDP 8 spillway". Sutherland Shire Environment Centre member Russell Edwards wrote to the EPA on 29 March, 2022, and again on 27 June 2022, each time reporting increased coal waste sediment in the Hacking River. Despite providing extensive photos and video evidence Russell's reports were dismissed. I inspected Camp Gully Creek with Dr Ian Wright in August 2022 and we also saw fine coal sediment in the waterway.



In all subsequent news reports about the pollution Peabody claimed they "took their environmental responsibilities seriously". Yet this risk to the Royal National Park was allowed to

continue through to the even larger spill in September 2022, with subsequent discharges through October, November, and December, 2022. In January 2023, following a report by Greens MLC Sue Higginson, the NSW Environment Protection Authority (EPA) again reported another discharge, "grey, turbid water with possible coal material present."

So for a full year, the NSW EPA and Peabody allowed an ongoing pollution threat to the Royal National Park waterways and repeated coal waste sediment discharges to continue.

On New Year's day 2023, over 20kms downstream from the mine surface facilities, coal waste material was found washed up at Swallows Rock Reserve at Grays Point in Port Hacking. Sharp edges of the larger piece of coal indicated it was a recent discharge. The EPA said that by the time they inspected the site, the coal had washed away.

I still receive regular reports about coal lumps and sediment appearing on the lawns at the Audley Pleasure grounds after heavy rain. The Audley Weir Historic Precinct is listed on the State Heritage Register. The EPA has consistently avoided stating how far these discharges washed downstream. The preferred position seems to be that it somehow all just vanished.

Peabody has now blocked off access to the back of the mine, which means members of the public can no longer monitor any discharges. Everyone who has been involved in this project is anxious about what the company is doing out of sight in our water catchment, which we are not allowed to enter.

The EPA has put a lot of work into drafting new license conditions and new pollution reduction programs. However these have provided no final solution to managing the Colliery's problems.

The mine surface facilities at Helensburgh are over 150 years old. The site is too narrow and constrained for the type of coal processing facilities required to conduct a modern coal processing operation safety in this location. I was forced to put in a GIPA request to the Resources Regulator to obtain a copy of a Notice they sent to Peabody in December 2023 concerning the mine embankment abutting Camp Gully Creek. The Notice pointed out that a significant portion of the embankment abutting Creek appeared to contain coal wash reject

material, as well as slag. It stated that the mine surface facilities and unstable embankment represents a serious, ongoing risk, due to:

- the uncertainty of the long-term geotechnical stability of the emplaced area final landform adjacent to Camp Creek, which may lead to ongoing material dislodgement/slumping into Camp Creek
- the potential ignition and combustion of coal wash reject material that may be present in the landform
- the potential for other materials to be located in the emplaced area that contribute to contamination and migration of contamination via leachate
- the potential instability and contamination/ combustibility issues that may result in the final landform not being able to support the nominated final land use(s).

The current design of the mine embankment allows contaminated groundwater to seep into Camp Gully Creek, and from there through the Hacking River. Due to this, and other concerns, the Resources Regulator issued instructions to Peabody to rebuild the embankment abutting the Creek, directing the Colliery to -

> ""engage a suitably qualified landform stability expert to design a revised final landform" for substantial areas of the Metropolitan Colliery site by 21 November 2025. This may necessitate a change in final landform for the site and a change in the development consent for the site."

Despite this advice, it remains an open question whether seepage and contamination from the mine **can** be successfully addressed.

The EPA license still allows the Peabody 'real time' water discharge monitoring system to fail 10% of the time, and it has invariably gone down in heavy rainfall events. **Despite multiple requests Peabody has repeatedly refused to provide public summaries of their water quality results showing means, highs and lows across a longer period.** Unless someone assiduously records the results every single day it is not possible to clock discrepancies. It almost feels as if we have less information about what is being discharged than via the previous antiquated system.

This is a saying a lot given the appalling records the company kept previously. (See table below.)

METROPOLITAN COAL – ENVIRONMENTAL PROTECTION LICENCE MONITORING SUMMARY

Point 9* – The Clean Water Tank of the Water Treatment Plant				
Month	**Oil & Grease (mg/L)**	**pH**	**TSS (mg/L)**	**Exceedance (Y/N)**
Jan-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Feb-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Mar-21	<6	8.30	9	N
Apr-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
May-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Jun-21	<5	7.35	11	N
Jul-21	<5	8.40	8	N
Aug-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Sep-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Oct-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Nov-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Dec-21	Invalid Sample#	Invalid Sample#	Invalid Sample#	N/A
Licence Limit	**10mg/L**	**6.5-8.5**	**30 mg/L**	

**Note: The monitoring at Point 9 required by condition M2 is conducted by the licensee to determine compliance with the limits specified for Points 6 & 7 in condition L3.3.*
#Note: No water discharged to Camp Creek at time of sampling

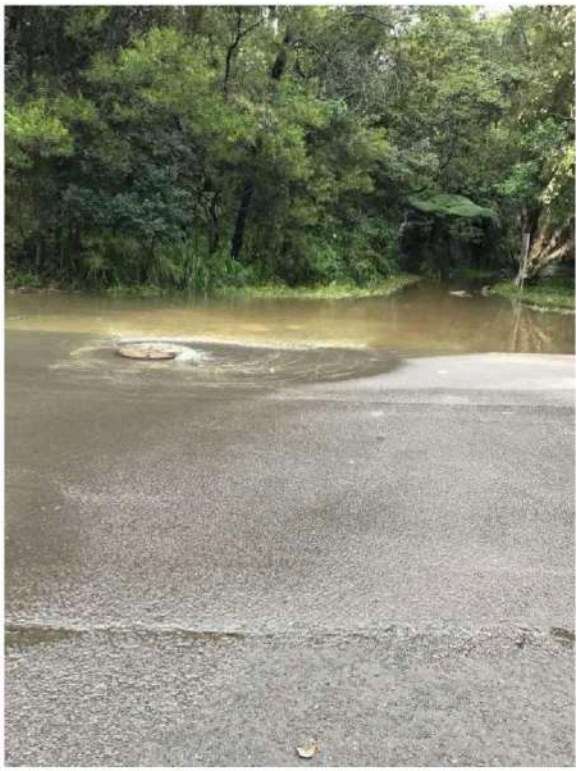
The last time I asked the EPA about anomalies outside the acceptable range on the new 'real time' monitoring system I was advised that the questionable results were glitches. The EPL has now been amended to include a pollution reduction program calling for Peabody to *write a report* about how they might achieve the ANZG default guideline values for discharged water that meets the 99 percentile species level protection. As yet there are no signs of whether any solutions can be successfully implemented to meet the 'aspirational' target the EPA have set. I have not yet discovered any date such changes will be implemented.

The mine's current EPL still appears to have a 'get out of jail card' for coal fines / sludge waste discharges from the Turkeys Nest Dam which could occur during heavy rain events. There appear to be no limits or penalties to discharges from that discharge point.

Another **serious risk which is still not properly accounted for in Peabody's management plans** is the old 624m long train tunnel at the back of the mine. The tunnel is shown in the image above by the orange arrow. It is approximately 624m long, ending around the arrow head, and blocked at that end. The gradient of the hill is steep. The tunnel fills with water during heavy rain events, and sometimes sewage. There was a landslide in the area adjacent to the top of the

tunnel (shown in the photo below), as well as the landslide on the surface facilities embankment. If a landslide were to impact the tunnel at the base when it was full of rain, the water would rush over the coal stockpile flushing it all into Camp Gully Creek.

In January 2025 the EPA advised me they 'recognised the "risks associated with any loss of containment of the water stored within" which I had been flagging with the EPA and Planning for almost a year. I was glad that the tunnel would be included in Peabody mine surface water management plan, and potentially another EPL revision. But last week, 8 months later, the EPA advised that had still not yet occurred.



The flooded tunnel entrance shown to the left.

The photo below shows what the entrance looks like normally.

The entrance to the tunnel starts at this point: https://tinyurl.com/Metrop-tunnel

There are still no emergency risk management plans to prevent coal waste flushing downstream into the Royal National Park if another discharge was to occur.

I have not found any full reference to these ongoing issues with the mine surface facilities in the modification application. Given the company's record on this matter members of the public could be forgiven for doubting Peabody's repeated claims that they take their environmental responsibilities seriously.

Peabody environmental record / capacity to meet the fit and proper criteria

In addition to its conviction for polluting the Royal National Park -

1. Peabody lied to the Australian Clean Energy Regulator about it's emissions in 2022.

2. The company was sued by its own investors for lying, in a class action lawsuit, where former employees said Peabody "had a culture of "cutting corners" and pushing safety boundaries before the spontaneous combustion of its best Australian mine". Peabody settled the false and misleading statements to investors case. The settlement was worth over $4.6 million.

(On this point is is worth noting Peabody has failed after 16 years to build the approved ventilation shaft next to the M1 Princes Motorway.)

3. Peabody are currently implicated in a "coal quality" scandal, accused of deliberately falsifying test results in order to fraudulently increase the sale price:

- https://www.afr.com/companies/mining/anglo-peabody-glencore-targeted-in-fake-coal-claims-20221121-p5bzzq
- https://michaelwest.com.au/coal-producer-peabody-implicated-in-fake-coal-quality-scandal-pwc-looks-the-other-way/
- https://michaelwest.com.au/coal-cover-up-wilkie-points-to-glencore-anglo-peabody-macbank/

4. They have been prosecuted and convicted by the EPA for botched mine blasting.

5. In a move signalling the company's contempt for environmental considerations, in 2013 Peabody US took the EPA to court in the US an attempt to overturn EPA limits on mercury and other emissions from coal-fired power plants.

6. Peabody also went to court in the US to try to prove its climate change denial was legitimate, that carbon pollution was positive, and should be subsidised, not taxed (it lost). There is also the extraordinary levels of funding the mine gave to climate denial organisations.

7. The company's most recent negotiations with workers at the Metropolitan Colliery, saw workers sacked unfairly, and locked out of the mine. This failure to negotiate contracts fairly demonstrates a pattern of disregard for Australian laws and regulations:

- In April 2024 the Federal court found Peabody unfairly sacked 22 union workers at Helensburgh - and they had to spent years in the courts fighting this illegal action by the company.
- In 2025 Peabody locked out workers rather than fairly negotiate contracts. The company appealed the decision and the High Court found the workers could have been redeployed within the mine, but contract (labour hire) mine workers were kept on instead.
- In 2019 Peabody was also forced to backpay staff $3 million at their Coppabella mine in central Queensland after a Fair Work Commission inquiry.

Peabody does have a questionable record. The company's claims of 400 people employed in the mine also merits closer examination. Recent reports regarding the industrial action put the number at 160 permanent workers. The company's own website lists only 300 employed.

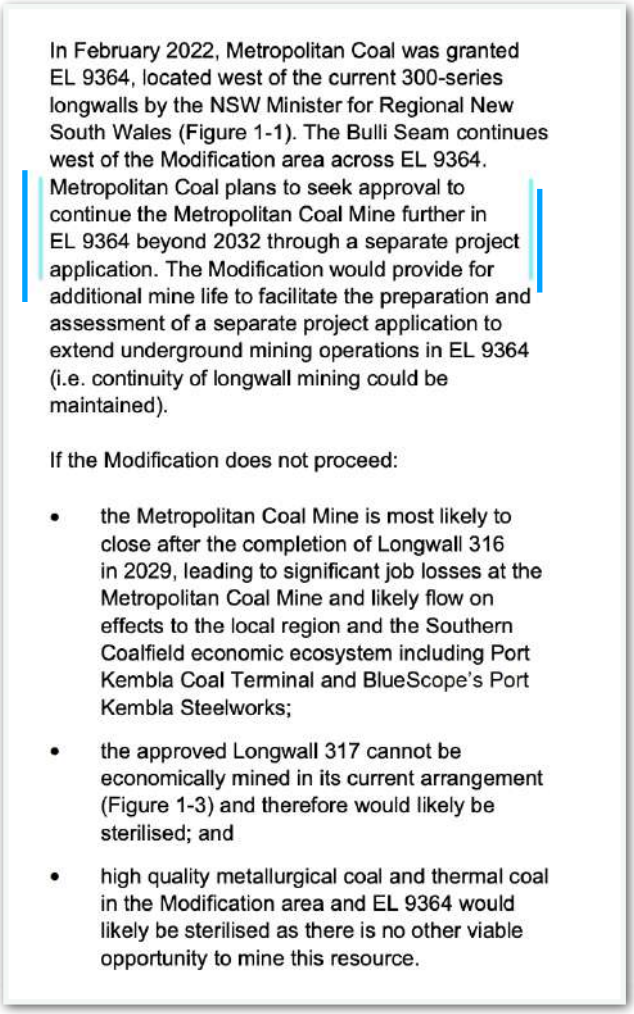
Economic benefits

I do not believe the so-called economic benefits of this proposal will outweigh the costs of losing vital public infrastructure, and the risk of further damage to two protected, precious, irreplaceable water catchments. Given Peabody's record, an approval for this modification will make a mockery of that protection, especially via the 2009 conditions of approval currently in place. Ongoing monitoring of ongoing damage is no solution.

We are not getting fair value for the damage caused by this mine - the economic costs of this project outweigh any benefits. I have not even factored in the issues of emissions, including methane, and climate change considerations.

If this company is wishing to put through a whole new mine let it go through the proper process. This sneaky backdoor modification abandons proper environmental protections. Our water catchment and the Royal National Park are both priceless - they deserve more respect.

As for Peabody's claim about impacts on Bluescope and flow on effects through the Illawarra, they exhibited no such compunction while locking out their workers recently. Bluescope is not reliant on Peabody either. Metropolitan closed for 6 months in 2021 due to weak coal prices, and the Illawarra economy did not collapse.



In February 2022, Metropolitan Coal was granted EL 9364, located west of the current 300-series longwalls by the NSW Minister for Regional New South Wales (Figure 1-1). The Bulli Seam continues west of the Modification area across EL 9364. Metropolitan Coal plans to seek approval to continue the Metropolitan Coal Mine further in EL 9364 beyond 2032 through a separate project application. The Modification would provide for additional mine life to facilitate the preparation and assessment of a separate project application to extend underground mining operations in EL 9364 (i.e. continuity of longwall mining could be maintained).

If the Modification does not proceed:

- the Metropolitan Coal Mine is most likely to close after the completion of Longwall 316 in 2029, leading to significant job losses at the Metropolitan Coal Mine and likely flow on effects to the local region and the Southern Coalfield economic ecosystem including Port Kembla Coal Terminal and BlueScope's Port Kembla Steelworks;
- the approved Longwall 317 cannot be economically mined in its current arrangement (Figure 1-3) and therefore would likely be sterilised; and
- high quality metallurgical coal and thermal coal in the Modification area and EL 9364 would likely be sterilised as there is no other viable opportunity to mine this resource.

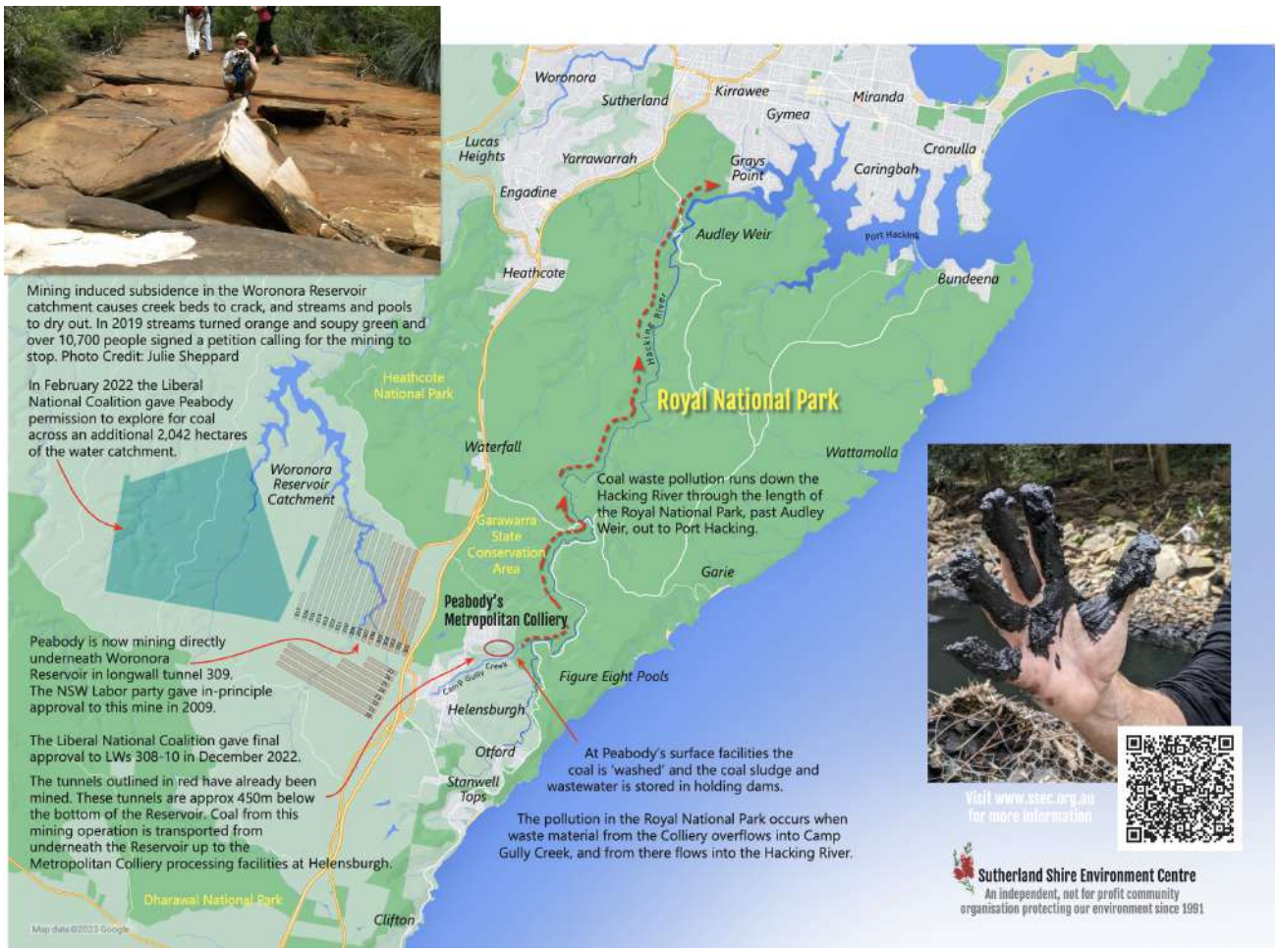
Bluescope produces 300,000 tonnes of steel here, and another 3 million tonnes in America. A recent report noted that: "China has now installed enough electric arc furnaces to produce more than 160 million tonnes of steel annually. That's about the same as the total steel output of Japan and the United States combined."

The demand for China's green steel is going to eclipse what Bluescope is selling in time unless they alter their business plan soon. Australian businesses need to start thinking differently. This is nothing to do with Peabody.

Please give the issues I have raised in this submission proper consideration. This is not just a decision for now, it is a matter of intergenerational equity. Minister, I ask you to refuse this modification.

Regards,

Dr Catherine Reynolds
Bundeena



The photo below was taken February 2023. That is black coal waste covering the riverbed. Jersey Springs is located about halfway down the Hacking River from the confluence of Camp Gully Creek and the Hacking River, somewhere near the words “Royal National Park”, inscribed in yellow on the map above. This photo was taken by former Royal National Park ranger naturalist Bob Crombie, as were many of the other Royal National Park photos included in this submission.