

Our ref: Metropolitan Coal Mine-4 (MP 08\_0149-Mod-4)

Mr Jon Degotardi  
Approvals Manager  
Metropolitan Collieries Pty Ltd  
PO Box 402  
Helensburgh NSW 2508

9 May 2025

Subject: – **Metropolitan Coal Mine - Modification 4 Secretary's Environmental Assessment Requirements for EPBC Controlled Action**

Dear Mr Degotardi

I refer to the scoping letter from Mr Charlie Allan to the Department dated 12 October 2023, and the Department's response dated 14 November 2023 regarding the assessment requirements for the proposed modification to the Metropolitan Coal Mine – Longwalls 317 and 318 (MOD 4).

Since issuing that letter, the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) has determined that the modification is a controlled action under the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2025/10103).

I can advise that the action will be assessed by the NSW Government under the assessment bilateral agreement between the Commonwealth Government and the NSW Government.

In accordance with that agreement, the Department must issue Secretary's Assessment Requirements (SEARs) for the modification to ensure that the Commonwealth matters are appropriately addressed in the Modification Report.

Please also note that when the Modification Report is submitted the Department is required to exhibit the application for a minimum of 28 days and also refer a joint (Commonwealth/ NSW) application to the Independent Expert Scientific Committee (IESC) for advice.

The Commonwealth has provided its assessment requirements for the Matter of National Environmental Significance relevant to the project (National Heritage places under section 15B and 15C, listed threatened species and communities under sections 18 and 18A and a water resource, in relation to coal seam gas development and large coal mining development under sections 24D and 24E). Those requirements are detailed in **Attachment 1**.

In addition to the matters outlined in the previous correspondence referred to above, the Modification Report must also address the matters detailed in Attachment 1 of this letter.

The Modification Report must also address any relevant recommendations from the Independent Advisory Expert Panel on Mining's review of the Extraction Plan for Longwalls 311 to 316.

If you have any questions, please contact Melanie Hollis on 02 8217 2043 or via email at [melanie.hollis@planning.nsw.gov.au](mailto:melanie.hollis@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "J Evans". The signature is written in a cursive, flowing style.

Jessie Evans  
**Director**  
**Energy and Resource Assessments**

## ATTACHMENT 1

### Assessment Requirements Relevant to the *Environmental Protection and Biodiversity Conservation Act 1999*

#### Metropolitan Coal – Longwall 317 and 318 Modification (MP 08\_0149-Mod-4) (EPBC 2025/10103)

##### **Introduction**

1. On 22 April 2025, a delegate of the Federal Minister for the Department of Climate Change, Energy, the Environment and Water (DCCEEW) determined that the Metropolitan Coal Longwall 317 and 318 Modification 4 was a controlled action under section 75 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act controlling provisions for the proposed action are:
  - i. The national heritage values of a National Heritage place (section 15B & section 15C);
  - ii. Listed threatened species and communities (sections 18 and 18A); and
  - iii. Unconventional gas or large coal mining development with impact on water resources (sections 24D and 24E).
2. The proposed action will be assessed using an accredited process for the purposes of the EPBC Act. The assessment documentation must include:
  - i. an assessment of all impacts that the action is likely to have on each matter protected by a provision of Part 3 of the EPBC Act;
  - ii. enough information about the proposal and its relevant impacts to allow the Commonwealth Minister to make an informed decision on whether or not to approve; and
  - iii. information addressing the matters outlined in Schedule 4 of the *Environmental Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations).
3. The Applicant must undertake an assessment of all protected matters that may be impacted by the development under the controlling provisions identified in paragraph 1. The DCCEEW considers that there is likely to be a significant impact on the following:
  - i. The national heritage values of the Royal National Park and Garawarra State Conservation Area National Heritage place including:
    - a. its concentrations of diverse species and ecosystems;
    - b. its importance for species groups such as frogs, reptiles and butterflies;
    - c. its establishment as Australia's first National Park and the beginning of the Australian conservation movement ;
  - ii. Listed threatened species and communities
    - a. Broad-headed Snake (*Hoplocephalus bungaroides*) – Endangered;
    - b. Coastal Upland Swamps in the Sydney Basin Bioregion – Endangered;
    - c. Giant Burrowing Frog (*Heleioporus australiacus*) – Vulnerable;
    - d. Littlejohn's Tree Frog (*Litoria littlejohni*) – Endangered; and
  - iii. Unconventional gas or large coal mining development with impact on water resources including:

- a. Groundwater resources, bores, groundwater-dependent ecosystems (GDEs) such as the endangered Coastal Upland Swamps and individual flora and fauna species that depend on these water resources.
  - b. Surface watercourses within and adjacent to the project area:
    - Honeysuckle Creek (running through the western section of the proposed action area);
    - Bee Creek (located approximately 250 metres to the west of the action area);
    - Woronora River (located approximately 1.5 km west of the action area);
    - Waratah Rivulet (located approximately 300 metres at closest point); and
    - Numerous unnamed streams that flow into the Woronora Reservoir.
  - c. The Woronora Reservoir supplies water to the Sutherland Shire in Sydney's south and to the northern suburbs of Wollongong. It is the sole water supply to Helensburgh, Engadine and Lucas Heights.
4. DECCW also considers that the proposed action may result in significant impacts to the following species:
  - i. Bynoe's Wattle (*Acacia bynoeana*) – Vulnerable
  - ii. Pilotbird (*Pycnoptilus floccosus*) - Vulnerable
  - iii. Prickly Bush-pea (*Pultenaea aristata*) – Vulnerable
  - iv. Swift Parrot (*Lathamus discolor*) – Critically Endangered
  - v. Thick-leaf Star-hair (*Astrotricha crassifolia*) - Vulnerable
  - vi. White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable
  - vii. Woronora Beard-heath (*Leucopogon exolasius*) – Vulnerable.
5. These species require further assessment, surveys and analysis to determine whether they are likely to be significantly impacted. Note that this may not be a complete list and it is the responsibility of the Applicant to ensure any protected matters under this controlling provision are assessed for the Commonwealth decision-makers consideration.
6. The Applicant must consider each of the protected matters under the triggered controlling provisions that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the Applicant to undertake an analysis of the significance of the relevant impacts and ensure that all protected matters that are likely to be significantly impacted are assessed for the Commonwealth Minister's consideration.

## **General Requirements**

### *Relevant Regulations*

6. The Modification Report must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.

### *Project Description*

7. The title of the action, background of the action and current status.
8. The precise location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on Matters of National Environmental Significance (MNES).
9. How the action relates to any other actions that have been, or are being taken in the region affected by the action.

10. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

#### *Impacts*

11. The Modification Report must include an assessment of the relevant impacts<sup>1</sup> of the action on the matters protected by the controlling provisions, including:
  - i. a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long-term relevant impacts;
  - ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - iii. analysis of the significance of the relevant impacts; and
  - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

#### *Avoidance, mitigation and offsetting*

12. For each of the relevant matters protected that are likely to be significantly impacted by the action, the Modification Report must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
  - i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures;
  - ii. any statutory policy basis for the mitigation measures;
  - iii. the cost of the mitigation measures;
  - iv. an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
  - v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
13. Where a significant residual adverse impact to a relevant protected matter is considered likely, the Modification Report must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
14. For each of the relevant matters likely to be impacted by the action the Modification Report must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
  - i. conservation advice or recovery plan for the species or community;
  - ii. relevant threat abatement plan for a process that threatens the species or community;
  - iii. wildlife conservation plan for the species; and
  - iv. any strategic assessment.

---

<sup>1</sup> Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

*[Note: the relevant guidelines and policy statements for each species and community are available from DCCEEW's Species Profiles and Threats Database available at <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>]*

### **Key Issues**

#### **National Heritage values of the Royal National Park and Garawarra State Conservation**

##### **Area listed place:**

##### Comments

15. Key risks associated with the proposed action from the Commonwealth perspective include:
- i. Potential impacts from the project on the richness of concentrations of plant species' ecosystems downstream of the proposed action area.
  - ii. Potential to impact temperate animal species richness for a range of groups such as frogs, reptiles and butterflies which depend on water quality for their ecology, which is also a listed value of the National Heritage Place.

##### Assessment Requirements

16. The Modification Report must consider the international conventions, management plans and principles in relation to this proposal, including but not limited to:
- i. a management plan that has been prepared for the place under section 324S of the EPBC Act or as described in section 324X of the EPBC Act;
  - ii. The National Heritage management principles;
  - iii. An agreement to which the Commonwealth is party in relation to a National Heritage place.

#### **Biodiversity (threatened species and communities and migratory species)**

##### Comments

17. Key risks associated with the proposed action from the Commonwealth perspective include:
- i. Potential impacts from vegetation clearance associated with the placement of surface infrastructure;
  - ii. Potential impacts on threatened species and ecological communities associated with the underground mining component of the project, including subsidence and groundwater drawdown events, which may have implications for species and threatened ecological communities within and surrounding the proposed action area.

##### Assessment Requirements

18. For each of the EPBC Act listed species predicted to occur in the project site, and each of the EPBC Act listed ecological communities likely to be significantly impacted, the Modification Report must provide:
- Survey results, including details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Commonwealth guidelines and policy statements and/or the relevant NSW offsetting method.
  - A description and quantification of habitat in the study area (including suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advices, conservation advices, recovery plans, and threat abatement plans.

- Maps displaying the above information (specific to each EPBC protected matter) overlaid with the proposed action. It is acceptable, where possible, to use the mapping and assessment of Plant Community Types (PCTs) and the species surveys prescribed by the BAM as the basis for identifying EPBC Act-listed species and communities. The Modification Report must clearly identify which 4 PCTs are considered to align with habitat for the relevant EPBC Act listed species or community, and provide individual maps for each species or community.
- Information on proposed avoidance and mitigation measures to deal with the impacts of the action, and a description of the predicted effectiveness and outcomes that the avoidance and mitigation measures will achieve.
- Quantification of the offset liability for each species and community significantly impacted, and information on the proposed offset strategy, including discussion of the conservation benefit for each species and community, how offsets will be secured, and the timing of protection. It is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action i.e. 'like-for-like'.
- Like-for-like includes protection of native vegetation that is the same ecological community or habitat being impacted (preferably in the same region where the impact occurs), or funding to provide a direct benefit to the matter being impacted e.g. threat abatement, breeding and propagation programs or other relevant conservation measures.

## **A water resource, in relation to coal seam gas development and large coal mining development**

### Comments

19. Key risks associated with the proposed action from the Commonwealth perspective include potential impacts to groundwater and surface water resources within the project area and surrounding area, including:
  - i. depressurisation of hard rock groundwater systems and corresponding effects on the local hydrogeological regime;
  - ii. surficial cracks, slumping, or tilting of the landform, altering flow patterns and the nature and size of the catchment;
  - iii. drawdown of the water table, affecting flow pathway, aquifer storage, and baseflow contributions to watercourses
  - iv. landform changes to catchments from the construction of surface infrastructure
  - v. impacts on the hydrology of the catchment and risks to biodiversity and to Sydney's drinking water

### Assessment Requirements

20. The Modification Report must include a detailed water assessment. The water assessment must be undertaken in accordance with the IESC Information Guidelines (<https://iesc.environment.gov.au/information-guidelines>) and provide the information outlined in these guidelines.

21. To adequately assess the impact of the proposed action on water resources, the Modification Report requires:
- i. site specific information based on scientific evidence or modelled data;
  - ii. a cumulative impact assessment for surface and groundwater resources;
  - iii. Information regarding the potential for significant impacts to surface water resources to support or independently assess the impact of the proposed action that include:
    - a. the information on the potential impacts to water resources;
    - b. impact assessment data from mining to date; and
    - c. predictions of ground water impacts from the proposed action.
22. Key Matters Requiring Further Assessments in the Modification Report:
- i. Subsidence modelling and proposed monitoring for the project should be validated by existing subsidence monitoring data from ongoing mining, to understand incremental and cumulative subsidence effects on overlying watercourses and Coastal Upland Swamps.
  - ii. Groundwater inflows to the mine workings could result in drawdown of the water table, affecting flow pathway, aquifer storage, and baseflow contributions to watercourses. Inflow volumes may be increased through fracturing above the LW panels, providing additional pathways for groundwater to flow to the mine area and increasing the lateral extent of drawdown. These changes should be further investigated and quantified to determine the relevant impact pathways to water resources.
  - iii. As dewatering may be required to manage groundwater inflow to the underground mine, management of surplus water should be detailed in further studies, considering potential water quality impacts from groundwater interaction with mine workings.
  - iv. While Coastal Upland Swamps are the only Groundwater Dependent Ecosystems (GDEs) identified by the proponent in their referral application, the presence of other GDEs should be part of the investigations yet to be completed that will form part of the modification application. These should include stygofauna, riparian vegetation, and baseflow contributions to watercourses within and around the proposed action area.

### **Other approvals and conditions**

23. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations.

### **Relevant References and Guidelines**

#### **International Conventions, Management Plans and Principles**

The international conventions, management plans and principles that must be considered in relation to this proposal include:

- i. Royal National Park and Garawarra State Conservation Area:
  - a. a management plan that has been prepared for the place under section 324S of the EPBC Act or as described in section 324X of the EPBC Act.
  - b. The National Heritage management principles.
  - c. An agreement to which the Commonwealth is party in relation to a National Heritage place.



- ii. Listed threatened species or ecological community:
  - a. Australia's obligations under the: Convention on Biological Diversity (Biodiversity Convention);
  - b. Convention on Conservation of Nature in the South Pacific (Apia Convention);
  - c. the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); or
  - d. a recovery plan or threat abatement plan.

### Policies and Plans

The policies and plans that must be considered in relation to this proposal include:

- i. Relevant species conservation advices and other relevant policies available on the department's SPRAT Database.
- ii. Bioregional plans.
- iii. Relevant strategic assessment reports.
- iv. Water resources.
- v. Any relevant plan prepared for the management of a National Heritage place, which can be found at [Australia's National Heritage List - DCCEEW](#)
- vi. Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support to proponents and NSW DPHI in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found on the department's SPRAT Database.

### **Other references**

- *Environment Protection and Biodiversity Conservation Act 1999 - section 51-55, section 96A(3)(a)(b), 101A(3)(a)(b), section 136, section 527E*
- *Environment Protection and Biodiversity Conservation Regulations 2000 Schedule 4*
- Commonwealth and NSW Governments Bilateral Agreement (Amending Agreement No.1, 2020) - Item 2 (a)(i) of Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1 (2013) EPBC Act*
- *Environment Protect and Biodiversity Conservation Act 1999 Environmental Offsets Policy October 2012*
- *Information Guidelines for Independent Expert Scientific Committee advice on coal seam gas and large coal mining development proposals (2014)*