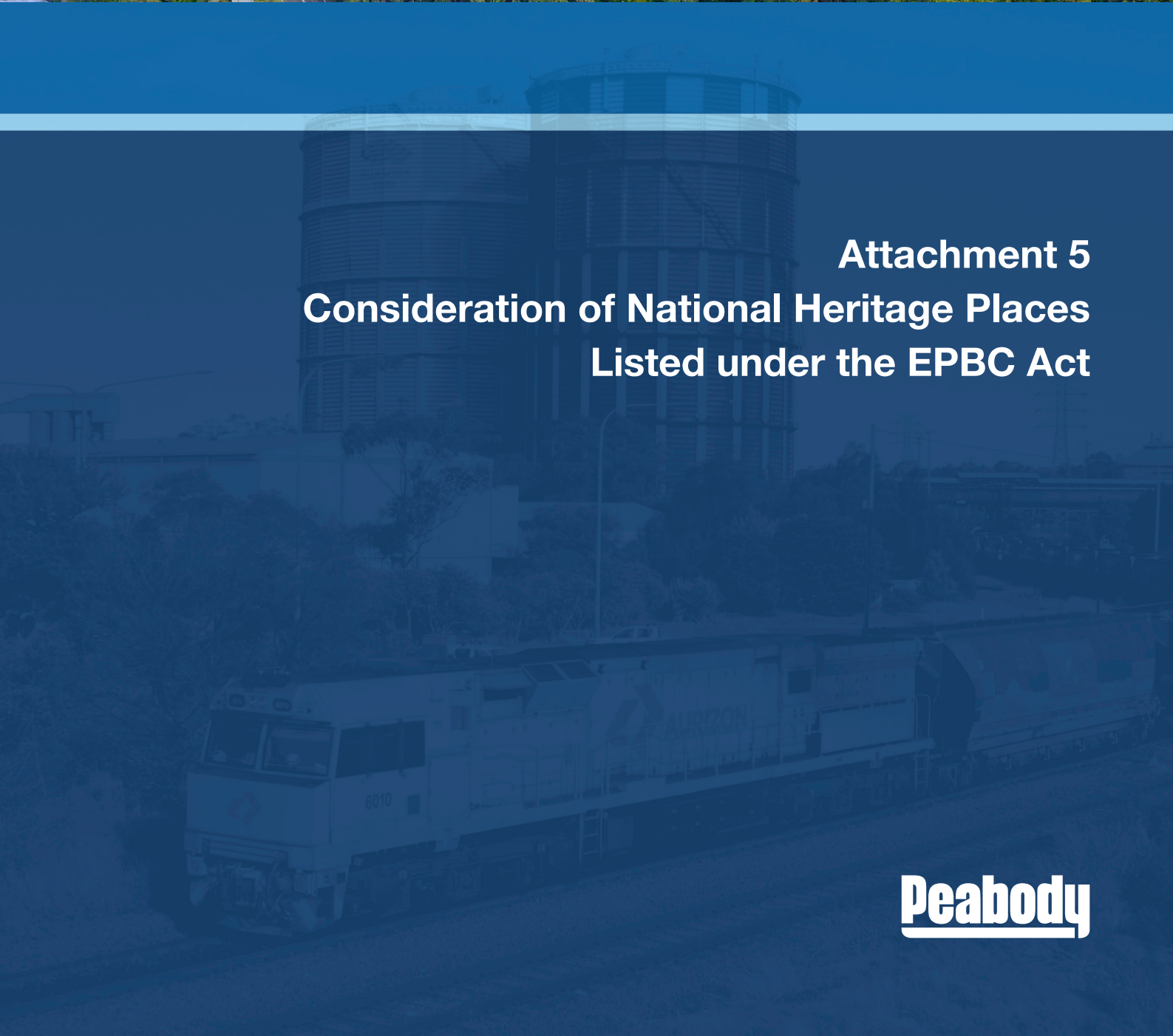




Metropolitan Coal Mine



Attachment 5 Consideration of National Heritage Places Listed under the EPBC Act

Peabody

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A5 CONSIDERATION OF NATIONAL HERITAGE PLACES LISTED UNDER THE EPBC ACT

This Attachment supports the Modification Report by providing an assessment of the potential impacts of the Modification on the national heritage values of National Heritage places under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

References to Sections 1 to 7 in this Attachment are references to Sections in the main text of the Modification Report. References to Appendices A to H in this Attachment are references to Appendices of the Modification Report. Internal references within this Attachment are prefixed with “A5”.

A5.1 BACKGROUND

The Modification was referred to the Commonwealth Minister for Environment and Water in January 2025 (EPBC 2025/10103) (the proposed Action). A delegate of the Commonwealth Minister determined on 22 April 2025 under section 75 of the EPBC Act that the proposed Action is a “controlled action” and is likely to have a significant impact on the following matters protected by the EPBC Act:

- The national heritage values of a National Heritage place (section 15B and section 15C).
- Unconventional gas or large coal mining development with impact on water resources (sections 24D and 24E).
- Listed threatened species and communities (sections 18 and 18A).

A Groundwater Impact Assessment (Appendix B) and Surface Water Assessment (Appendix C) have been prepared to assess potential impacts on water resources from the Modification.

A Biodiversity Development Assessment Report (Appendix D) has been prepared for the Modification and contains a description of potential impacts to listed threatened species and communities relevant to sections 18 and 18A of the EPBC Act.

An Aboriginal Cultural Heritage Assessment (ACHA) (Appendix F) has been prepared for the Modification and considers heritage items of significance under the EPBC Act.

A Greenhouse Gas Assessment (GHGA) (Appendix G) has been prepared for the Modification and considers the likely greenhouse gas emissions of the Modification including consideration of Commonwealth and NSW climate change policies, guidelines and programs.

This attachment provides a detailed assessment considering potential impacts to national heritage values of National Heritage places under sections 15B and 15C of the EPBC Act. This attachment further aims to assist the consent authority in determining whether the Modification has appropriately considered the impacts on National Heritage places in accordance with relevant guidelines and legislation.

The Proposed Action

The proposed Action referred to the Commonwealth Minister included the extraction of coal within Longwalls 317 and 318 using longwall extraction methods (underground mining) and the establishment and use of Relocated Ventilation Shaft 4. The proposed Action area (approximately 464.6 hectares [ha]) comprises the area within the Longwalls 317-318 35 degree angle of draw and/or predicted 20 millimetre (mm) subsidence contour, and the disturbance associated with the relocation of Ventilation Shaft 4 (i.e. the direct disturbance along with a 20 metre [m]) indirect disturbance buffer) (Figure A5-1).

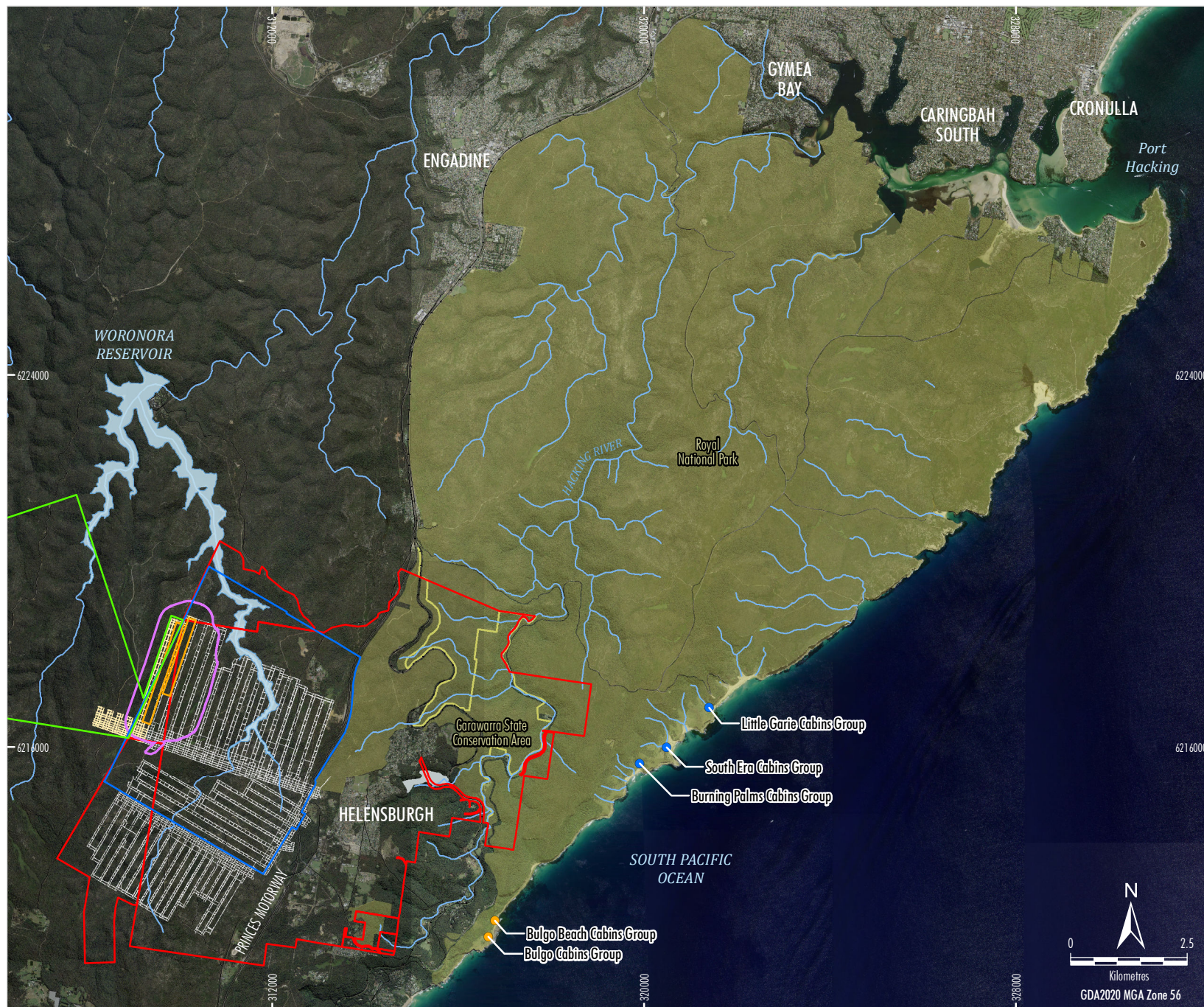
National Heritage Places to be Considered

The nearest listed National Heritage Place is the Royal National Park and Garawarra State Conservation Area situated approximately 3 km east of the proposed Action.

The Garawarra State Conservation Area is located within Consolidated Coal Lease (CCL) 703, east of the M1 Princes Motorway. The Royal National Park borders the north-eastern and eastern boundaries of Garawarra State Conservation Area and a portion of Royal National Park is located within CCL 703. The proposed Action extends to the west of the existing Metropolitan Coal Mine progressing further away from the National Heritage Place.

The location of this National Heritage Place in relation to the proposed Action is provided in Figure A5-1.

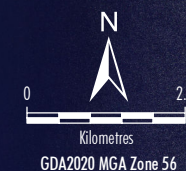
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- LEGEND**
- Metropolitan Coal Mining Tenements
 - Exploration Licence (EL 9364)
 - Proposed Action Area
 - Royal National Park and Garawarra State Conservation Area
 - Project Underground Mining Area Longwalls 20-27 and 301-317
 - Indicative Longwalls 317 and 318
 - Proposed First Workings
 - Current Metropolitan Coal Mine Longwall Layout
 - Major Surface Facilities Area
 - Indicative Location of Coastal Cabin Communities*
 - The Northern Cabins Areas
 - The Southern Cabins Areas

Source: Land and Property Information (2025);
Metropolitan Coal (2025)
Orthophoto: NSW Spatial Service (2024)

*The location of the Coastal Cabin Communities have been digitised from the 'Royal National Park Coastal Cabins Areas Conservation Management Plan' (NSW DEC, 2005) and the locations are indicative only



Peabody
METROPOLITAN COAL
Royal National Park and
Garawarra State Conservation Area

Figure A5-1

Background of the National Heritage Place

The Royal National Park and the adjacent Garawarra State Conservation Area are located on the southern edge of Sydney. The Royal National Park contains various landscapes of woodland, beaches, heathlands and cliffs and supports a rich concentration of species.

The New South Wales (NSW) Government reserved the area encompassing 18,000 acres, for recreation on 26 April 1879 (Department of Climate Change, Energy, the Environment and Water [DCCEEW], 2022).

On 15 December 2006, the Minister of Environment and Heritage gazetted the Royal National Park and Garawarra State Conservation Area, encompassing approximately 16,000 ha, as having met the requirements under section 324J of the EPBC Act to be included on the National Heritage List.

In the history of the operation of the Metropolitan Coal Mine, there have been negligible impacts on the Royal National Park and Garawarra State Conservation Area or its National Heritage values. It should also be noted that the proposed Action longwall layout is situated to the west of the approved Project area, progressing further away from the National Heritage place.

A5.2 REQUIRED CONSIDERATIONS UNDER THE EPBC ACT

As the proposed Action requires assessment under the EPBC Act, section 137A of the EPBC Act relevantly applies. Section 137A states the following:

137A Requirements for decisions about National Heritage places

In deciding whether or not to approve for the purposes of section 15B or 15C the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:

- (a) *The National Heritage management principles; or*
- (b) *An agreement to which the Commonwealth is party in relation to a National Heritage place; or*
- (c) *A plan that has been prepared for the management of a National Heritage place under section 324S or as described in section 324X.*

Consideration of the National Heritage Management Principles is provided in Section A5.2.1, agreements to which the Commonwealth is party in relation to the National Heritage place is provided in Section A5.2.2 and any management plans that have been prepared for the National Heritage place is provided in Section A5.2.3.

Consistent with section 324C of the EPBC Act, as a requirement of being included in the National Heritage List, the Minister was satisfied that the Royal National Park and Garawarra State Conservation Area has National Heritage value consistent with the National Heritage Criteria.

The heritage values of the Royal National Park and Garawarra State Conservation Area, as well as potential impacts of the proposed Action on these values is discussed in Section A5.2.4.

A5.2.1 National Heritage Management Principles

Schedule 5B of the *Environment Protection and Biodiversity Conservation Regulations 2000* provides the National Heritage management principles as follows:

Schedule 5B – National Heritage management principles

1. *The objective in managing National Heritage places is to identify, protect, conserve, present and transmit, to all generations, their National Heritage values.*
2. *The management of National Heritage places should use the best available knowledge, skills and standards for those places, and include ongoing technical and community input to decisions and actions that may have a significant impact on their National Heritage values.*
3. *The management of National Heritage places should respect all heritage values of the place and seek to integrate, where appropriate, any Commonwealth, State, Territory and local government responsibilities for those places.*
4. *The management of National Heritage places should ensure that their use and presentation is consistent with the conservation of their National Heritage values.*

5. *The management of National Heritage places should make timely and appropriate provision for community involvement, especially by people who:*
 - (a) *have a particular interest in, or association with, the place; and*
 - (b) *may be affected by the management of the place.*
6. *Indigenous people are the primary source of information on the value of their heritage and the active participation of indigenous people in identification, assessment and management is integral to the effective protection of indigenous heritage values.*
7. *The management of National Heritage places should provide for regular monitoring, review and reporting on the conservation of National Heritage values.*

The proposed Action is located a minimum of 2.7 km away from the Royal National Park and Garawarra State Conservation Area. As such, the proposed Action is not anticipated to result in any direct impacts.

Nonetheless, the proposed Action aims to minimise potential environmental impacts of the proposed Action through efficient project design, implementation of avoidance, management and mitigation measures. The proposed Action would not prohibit any ability to protect and conserve the National Heritage values of the Royal National Park and Garawarra State Conservation Area.

Further, the ACHA prepared for the Modification assessed potential impacts on Aboriginal heritage values, providing opportunity for comment and implementation of feedback.

In consideration of the above, approval of the proposed Action would not be inconsistent with the National Heritage management principles.

A5.2.2 Commonwealth Party Agreements

Under section 137A and section 146H of the EPBC Act, in deciding whether or not to approve the taking of an action and what conditions to attach, the Minister must not act inconsistently with any agreements to which the Commonwealth is party in relation to the National Heritage place.

There is no agreement to which the Commonwealth is party in relation to the Royal National Park and Garawarra State Conservation Area National Heritage Place.

However, the NSW Government advised the DCCEEW that the proposed Action would be assessed under a bilateral agreement under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and NSW Government. Schedule 1 clause 2(a)(i) of the *Amending Agreement No.1: Bilateral agreement made under section 45 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (the Amending Agreement) applies to the proposed Action as it is being assessed under Part 4, Division 4.7 of the *NSW Environment Planning and Assessment Act 1979 (EP&A Act)*.

The Amending Agreement is discussed further in section A5.4.

A5.2.3 National Heritage Management Plan

As per section 137A of the EPBC Act, the Minister must consider any plan that has been prepared for the management of National Heritage place under section 324S or as described in section 324X.

The then NSW Department of Planning and Environment (DPE) prepared the *Royal National Park, Heathcote National Park and Garawarra State Conservation Area: Plan of Management* (the Plan of Management), which was adopted by the Minister of Environment and Heritage in 2022. It should be noted that the Heathcote National Park is not listed as a National Heritage Place, and for the purposes of this National Heritage Assessment Summary, the potential impacts applying to the Royal National Park and Garawarra State Conservation area will be considered.

The Plan of Management has been developed in consideration of the principles outlined in the *NSW National Parks and Wildlife Act 1974 (NPW Act)*. The NPW Act requires that a national park be managed to (DPE, 2022):

- conserve biodiversity, maintain ecosystem function, protect geological and geomorphological features and natural phenomena, and maintain natural landscapes;
- conserve places, objects, features and landscapes of cultural value;
- protect the ecological integrity of one or more ecosystems for present and future generations;
- promote public appreciation and understanding of the national park's natural and cultural values;

- provide for sustainable visitor or tourist use and enjoyment that is compatible with the conservation of the national park's natural and cultural values;
- having regard to the conservation of the national park's natural and cultural values;
- provide for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas; and
- provide for appropriate research and monitoring.

The NPW Act requires that a state conservation area be managed to:

- conserve biodiversity, maintain ecosystem function, protect natural phenomena and maintain natural landscapes;
- conserve places, objects and features of cultural value;
- having regard to the conservation of the state conservation area's natural and cultural values:
 - provide for the undertaking of uses permitted under other provisions of the Act in such areas (including uses permitted under section 47J); and
 - provide for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas;
- provide for sustainable visitor or tourist use and enjoyment that is compatible with the conservation area's natural and cultural values and with uses permitted under other provisions of this Act in such areas; and
- provide for appropriate research and monitoring.

The Plan of Management has been created to align with these objectives.

The proposed Action is not considered to be inconsistent with the management principles or protection objectives of the Plan of Management for the Royal National Park and Garawarra State Conservation Area due to the reasons discussed below.

Protecting the Natural Environment

The Plan of Management highlights the importance of protecting the natural environment within the protected areas. It strives to protect the waterways that connect to and traverse through the park as well as its associated riparian zones. The Plan of Management outlines the maintenance of water quality and ecosystem health as a priority.

The proposed Action would not be located on any watercourses associated with the Royal National Park and Garawarra State Conservation Area (i.e. a minimum of 3 km from Wilsons Creek, the nearest watercourse). Further, the Groundwater Impact Assessment (Appendix B) and Surface Water Assessment (Appendix C) determined there would be negligible impact to the watercourses that drain into the surrounding environment.

The Groundwater Impact Assessment (Appendix B) predicted groundwater flux reductions to the Hacking River Water Source located north-east of the proposed Action area. However, the predictions are primarily a result of the approved Project for which Metropolitan Coal holds an existing water licence (Appendix B). No long-term impacts are predicted on watercourses as a result of the proposed Action only.

Protecting Culture and Heritage

The Plan of Management emphasises the importance of preserving the connection between Aboriginal people and the parks. The parks contain extensive physical evidence of Aboriginal culture with over 1,700 recorded sites and places of significance (DPE, 2022).

The ACHA prepared for the Modification (Appendix F) details the presence of Aboriginal cultural heritage within the ACHA Subject Area and complies with relevant guidelines regarding consultation and assessment of Aboriginal cultural heritage.

The proposed Action activities would not interfere with any Aboriginal cultural heritage sites located within the Royal National Park and Garawarra State Conservation Area considering its 3 km distance from the boundary of the heritage place.

The Royal National Park is the oldest national park in Australia, and second oldest in the world, holding special significance for the conservation movement of Australia (DPE, 2022). The Plan of Management particularly notes a significant historical feature as the State Heritage listed 'Royal National Park Coastal Cabin Communities' for their historic, aesthetic, social and rarity value.

In consideration of the approximate 7.5 km distance of the proposed Action from this heritage feature, the proposed Action would not result in any direct or indirect impacts to this site.

Public Use and Enjoyment

The Royal National Park has been used recreationally since its establishment. The Royal National Park is one of the most visited in Australia with more than 6 million annual visits. The Royal National Park and Garawarra State Conservation Area offer a variety of recreational activities such as camping, bushwalking, cycling, canoeing, and horse riding (DPE, 2022).

The proposed Action would be located approximately 4 km from the nearest hiking trail within the Garawarra State Conservation Area (i.e. Flatrock trail east of the Princes Motorway), therefore would not result in any amenity impacts that could impede on visitor experiences to the park. The proposed Action would not result in any noise, visual or traffic amenity impacts to the National Heritage Place.

A5.2.4 National Heritage Values

Under Section 324D of the EPBC Act, a place only has a 'National Heritage value' if the place meets one of the 'National Heritage Criteria'. On 15 December 2006, the Royal National Park and Garawarra State Conservation Area was gazetted to be included in the National Heritage List by the Minister for the Environment and Heritage. Provided alongside the gazette were official values complying with the criterion set in (a):

- (a) *The place has outstanding heritage value to the nation because of the place's importance to the course, or pattern, of Australia's natural or cultural history.*

The values are provided for the Royal National Park and Garawarra State Conservation area in consideration of criterion (a) is provided below:

Royal National Park and Garawarra State Conservation Area constitute a major centre of plant species richness, having one of the richest concentrations of plant species in temperate Australia with more than 1000 species. The place is important for its richness in a wide array of species including heaths (Epacridaceae), peas and wattles (Mimosaceae and Fabaceae), orchids (Orchidaceae), grevilleas and banksias (Proteaceae) and members of the eucalypt family (Myrtaceae). The place is also extremely important as a centre of temperate animal species richness for a range of groups including perching birds (Passeriformes) especially honeyeaters (Meliphagidae), tree-frogs (Hylidae), reptiles (Reptilia) and butterflies (Lepidoptera). The place can be regarded as exemplifying the biodiverse Hawkesbury Sandstone environment (Braby 2000; DEH 2004; DEH 2006; NSW NPWS 2000).

Royal National Park was the first National Park to be established in Australia in 1879 and this event is seen as the beginning of the Australian conservation movement (Heathcote 1988). The permanent reservation of a large natural area for the purposes of public recreation marked the start of the development of Australia's National Park system of protected areas (Worboys et al 2005).

In summary, the Minister identified that the Royal National Park and Garawarra State Conservation Area has values related to:

- the concentration of species richness and diversity in the region;
- providing important habitat for a variety of birds, frogs, reptiles and butterflies; and
- contains National heritage importance through its establishment as Australia's first national park, commencing the development of conservation and protected areas.

Assessment of the impacts of the proposed Action on each value of the National Heritage Place has been assessed in accordance with the *Matters of National Environmental Significance: Significant impact guidelines 1.1* (Significant Impact Guidelines) (Department of the Environment, Water, Heritage and the Arts [DEWA], 2013) in Section A5.3.

A5.3 SIGNIFICANT IMPACT GUIDELINES

The Significant Impact Guidelines (DEWA, 2013) provides overarching guidance on determining whether an action is likely to have a significant impact on Matters of National Environmental Significance (MNES). The Significant Impact Guidelines provide a 'significant impact criteria' for MNES to assist the applicant in determining the impacts of the proposed action.

The Significant Impact Guidelines describe that an action is likely to have a significant impact on National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause (DEWA, 2013):

- one or more of the National Heritage values to be lost;
- one or more of the National Heritage values to be degraded or damaged; or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

Section A5.3.1 provides a summary of the potential impacts associated with the proposed Action and Section A5.3.2 describes the likelihood of the above impact events and their significance.

A5.3.1 Potential Impacts of Proposed Action

The potential impacts of the proposed Action as concluded in the specialist assessments are summarised in the subsections below. Section A5.3.2 summarises the potential impacts of the proposed Action on the Royal National Park and Garawarra State Conservation Area and the significance of these potential impacts.

Subsidence Impacts

The nearest listed National Heritage Place, the Royal National Park and Garawarra State Conservation Area, is located approximately 3 km from the proposed Action, and as such is not anticipated to experience any subsidence effects due to the proposed Action (Appendix A).

Groundwater Impacts

There would be predicted groundwater flux reductions to the Hacking River Water Source located north-east of the proposed Action area. However, the predictions are primarily a result of the approved Project of which Metropolitan Coal holds an existing water licence (Appendix B). No long-term impacts are predicted on watercourses as a result of the proposed Action only.

Surface Water Impacts

In consideration of the 3 km distance between the proposed Action to the nearest National Heritage Place, it is anticipated there would be no impacts to surface water resources within the Royal National Park and Garawarra State Conservation Area (Appendix C).

Biodiversity Impacts

The BDAR assessed 35 MNES, of which three were concluded to be likely significantly impacted by the proposed Action in the absence of any offset and/or compensatory measures. The remaining 32 MNES entities were assessed to be unlikely to be significantly impacted by the proposed Action. This however would be mitigated, managed and offset accordingly. It is not anticipated that these potential impacts would extend to the biodiversity values associated with the Royal National Park and Garawarra State Conservation Area such as the concentration of species richness and diversity, and important habitat.

The proposed Action would not materially affect the availability of habitat for pollinators such as butterflies.

Further detail of this assessment is provided in Section A5.3.2 and Appendix D.

Aquatic Ecology Impacts

The Aquatic Ecology Assessment concluded due to the 3 km distance from the Royal National Park and Garawarra State Conservation Area, impacts on aquatic ecology due to the proposed Action are not anticipated (Appendix E).

Aboriginal Cultural Heritage Impacts

In consideration of the 3 km distance from the Royal National Park and Garawarra State Conservation Area, it was concluded that no impacts to Aboriginal heritage within the National Heritage Place are anticipated as a result of the proposed Action (Appendix F).

Greenhouse Gas Impacts

In relation to the greenhouse gas emissions associated with the proposed Action and the physical effects of climate change on National Heritage Place, the proposed Action is unlikely to have an indirect "impact" (as defined under the EPBC Act) on the Royal National Park and Garawarra State Conservation Area, including for the following two reasons:

- The proposed Action is not expected to cause any net increase in global greenhouse gas emissions and the global average temperature including because:
 - the greenhouse gas emissions generated by the ultimate combustion of the coal produced by the proposed Action may be offset, mitigated or abated by the jurisdictions that are the prospective consumers of the coal. For example, these jurisdictions may implement new policies or regulations in relation to greenhouse gas emissions to align with goals set out in the Paris Agreement; and
 - if the proposed Action does not proceed, prospective buyers would likely purchase an equivalent amount of coal from a supplier other than Metropolitan Coal, which would likely result in an equivalent amount of greenhouse gas emissions when combusted, when compared with the estimated amount associated with the coal produced by the proposed Action.
- Even if the proposed Action was to cause a net increase in global greenhouse gas emissions, any contribution from the proposed Action to global greenhouse emissions would be negligible, such that the proposed Action would not be a substantial cause of the physical effects of climate change on the Royal National Park and Garawarra State Conservation Area.

A5.3.2 Significance Impact Assessment

The Significant Impact Guidelines notes to the Minister that the proposed Action should be considered at its broadest scope, whereby all stages, components and related activities and their potential impacts are considered.

If the proposed Action proceeds, the Surface Facilities Area would continue to be used, however, there is no proposed change to the disturbance, scale or method of activities of this feature and it does not form part of the proposed Action. Product coal from the Metropolitan Coal Mine would be transported to Port Kembla south of the Royal National Park consistent with current operations.

The proposed Action would provide for the continued employment of the existing workforce for a further two years. However, the proposed Action would not result in a change to the existing mine life (i.e. until June 2032).

In consideration of the guidelines, the Royal National Park and Garawarra State Conservation Area most closely align with the description of a 'National Heritage place with natural heritage values' and 'Natural Heritage place with cultural heritage values'.

Species Richness and Diversity

The Royal National Park and Garawarra State Conservation Area is recognised as an important place for a wide array of species.

The proposed Action is not expected to result in the following impacts to the Royal National Park and Garawarra State Conservation Area:

- Modify or inhibit any of the ecological processes.
- Reduce the diversity or modify the composition of plant and animal species.
- Fragment or damage habitat important for the conservation of biodiversity.
- Cause a long-term reduction in rare, endemic or unique plant or animal populations or species.
- Fragment, isolate or substantially damage habitat for rare, endemic or unique animal populations or species.

The prescribed ecological impacts associated with the proposed Action are restricted to the Development Footprint and the Indirect Impact Footprint, thus would not occur within any of the areas listed under the Royal National Park and Garawarra State Conservation Area located approximately 3 km away.

Further, the relevant recovery plans and/or threat abatement plans for each threatened species and threatened ecological community have been considered and discussed in the BDAR (Appendix D).

Habitat Significance

The Royal National Park and Garawarra State Conservation Area is described to be important as a centre for temperate animal species richness for a range of groups including perching birds (Passeriformes), honeyeaters (Meliphagidae), tree frogs (Hylidae), reptiles (Reptilia) and butterflies (Lepidoptera). As described in the Gazette, the place can be regarded as exemplifying the biodiverse Hawkesbury Sandstone environment.

In consideration of the approximate 3 km distance from the Royal National Park and Garawarra State Conservation Area, the proposed Action is not anticipated to modify or impede on this characterisation of the National Heritage Place.

Historical Importance

As outlined in the Gazette, the Royal National Park holds historical importance as the first National Park to be established in Australia in 1879. Its significance is underpinned by the notion of the event as the beginning of the Australian conservation movement. The permanent reservation of a large natural area for the purposes of public recreation marked the start of the development of Australia's National Park system of protected areas.

The Royal National Park and Garawarra State Conservation Area has significance as a recreational park with preserved natural space for visitors and tourists to enjoy. As such, visuals, aesthetics and amenity are essential to be maintained.

The proposed Action is located approximately 3 km from the Royal National Park and Garawarra State Conservation Area. As such, the proposed Action would not result in any noise or visual impacts that could impede on the experience.

The proposed Action would not result in the following impacts to the historic heritage values of the Royal National Park and Garawarra State Conservation Area:

- Restrict people's ability to visit and recreationally use the park.
- Restrict or inhibit the continued recreational use of the national heritage site.
- Involve any activities within the park that would result in substantial and/or long-term impacts on the values.
- Involve any construction activities adjacent to, or within line of sites of the National heritage place, resulting in visual amenity impacts (note no noise impacts).
- Diminish the cultural value of the National Heritage place for any community or group to which its National Heritage values relate.
- Destroy or damage any features or objects in the National Heritage place.

Due to the approximate 3 km distance, the proposed Action is anticipated to have negligible impact to any historical part, element, or feature of the Royal National Park and Garawarra State Conservation Area.

The proposed underground mining associated with Longwalls 317 and 318 would not occur beneath the National Heritage Place. The potential direct (e.g. 3.8 ha of vegetation clearance) and indirect (e.g. subsidence, introduction or spread of weeds) impacts associated with the proposed Action are very unlikely to impact on flora and fauna species diversity in the Royal National Park or Garawarra State Conservation Area given the National Heritage Place's distance from the proposed Action, the nature and extent of the potential impacts and proposed implementation of management measures described below.

Summary of Significance Impact Assessment

The Significance Impact Assessment has concluded that the proposed Action is unlikely to cause one or more of the National Heritage values to be lost, degraded, or damaged, or one or more of the National Heritage values to be notably altered, modified, obscured or diminished. Accordingly, the proposed Action would not have, or is not likely to have, a significant impact on the National Heritage values on the Royal National Park or Garawarra State Conservation Area.

A5.3.3 Mitigation and Management of Impacts

Metropolitan Coal has implemented several avoidance, mitigation and reduction measures to prevent the likelihood of significant impact on MNES. The Modification Report has been informed by specialist assessments in accordance with relevant guidelines. Further, Metropolitan Coal has incorporated agency feedback such as several reports from the Independent Expert Advisory Panel for Mining to develop a robust and comprehensive monitoring and management system.

A Water Management Plan, Biodiversity Management Plan, Heritage Management Plan, Greenhouse Gas Management Plan, Subsidence Management Plan, Public Safety Management Plan, and Land Management Plan would be prepared alongside the Extraction Plan for Longwalls 317 and 318 to outline the proposed monitoring and management of potential impacts.

Avoidance Measures

Longwall Layout Design

The longwall layout design has been modified on several occasions to reduce subsidence effects on the surrounding environment as well as implement standoffs from watercourses and swamps. The combination of a wider pillar design and shortening of Longwall 317 results in a reduction of tensile strains on swamps in the vicinity of Longwalls 317 and 318 to less than 0.5 mm/m which is associated with the onset of tensile cracking in subsidence engineering (Appendix A).

Since the submission the Scoping letter to Department of Planning, Housing and Infrastructure, the finishing and starting positions of Longwall 317 have been shortened by approximately 67 metres (m) and 75 m, respectively. The decision to amend the finishing position has been made to reduce subsidence effects on Swamp 106. The shortening of Longwall 317 by 67 m at the southern end would result in lost revenue of approximately \$8 million.

In addition, over the progression of mining operations at the Metropolitan Coal Mine, a reduced underground mine layout has been implemented in comparison to the approved mine layout, in response to geological and geotechnical constraints. This has included the shortening of longwalls to reduce subsidence effects on nearby watercourses.

Ventilation Shaft 4

The approved Metropolitan Coal Mine includes the installation of an upcast shaft west of the M1 Princes Motorway. As a result of the reduced underground mine layout extent, the construction of the approved Ventilation Shaft 4 has not been required to date to maintain suitable gas concentrations and air quality within the underground mining area. The proposed Action includes the relocation of the Ventilation Shaft 4 and change in the ventilation system from upcast to downcast, resulting in the approved infrastructure (including fans, power transformers, sheds, cooling tower, etc) no longer being required. Following construction, the relocated Ventilation Shaft development area would be less than 0.1 ha. The currently approved Ventilation Shaft 4 development footprint would be relinquished.

Further detail of the changes to the proposed Action is provided in Section 3 of the Modification Report.

Management and Mitigation Measures

Metropolitan Coal manages potential environmental impacts from the Metropolitan Coal Mine through Management Plans. Metropolitan Coal would continue to implement the Management Plans or modify them as required for the proposed Action. Trigger Action Response Plans have been developed in consultation with specialists and agencies to maintain negligible environmental consequences. Further, monitoring is regularly maintained, and the management systems are continuously updated and revised.

The BDAR incorporates an Adaptive Management Plan which addresses impacts related to subsidence resulting from mining (Appendix D).

A5.4 NSW BILATERAL AGREEMENT

In consideration of the decision that the proposed Action will be assessed under section 45 of the EPBC Act, relating to environmental assessment between the Commonwealth and NSW Government, the Amending Agreement has been considered.

Relevant to Provision 8 of the Amending Agreement, if an action is determined likely to have a significant impact on any MNES, the role and interests of Indigenous peoples in promoting the conservation and ecologically sustainable use of natural resources should, where relevant, must be recognised.

As described in this attachment, Metropolitan Coal does not anticipate the proposed Action would result in any impacts to the National Heritage place nor its values.

Thus, this provision is not required to be applied. Notwithstanding, the ACHA prepared for the Modification undertook Indigenous consultation to identify any potential heritage impacts associated with the proposed Action. This provided opportunity to comment any interests or concerns regarding MNES (Section A5.4.1 and Appendix F).

A5.4.1 Indigenous Consultation

The ACHA (Appendix F) undertook consultation in accordance with the following guidelines:

- EPBC Act.
- *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth DCCEEW, 2023).
- NSW Native Title Act 1993.
- NSW Environmental Planning and Assessment Act 1979.
- Wollongong Local Environmental Plan 2009.
- NPW Act.
- NSW Heritage Act 1977.
- NSW Aboriginal Land Rights Act 1983.
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Department of Environment, Climate Change and Water NSW).
- *Ask First: A Guide to Respecting Indigenous Heritage Places and Values* (Australian Heritage Commission, 2002).

Further detail on consultation with Aboriginal stakeholders, and how comments have been considered is provided in Section 6.9 and Appendix F.

A5.5 OTHER CONSIDERATIONS

Convention on Biological Diversity

The *Convention on Biological Diversity* is an international legal instrument that has been ratified by 196 nations for the:

“...conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources...”
(United Nations, 2025).

The proposed Action has considered the protection of species under the EPBC Act and BC Act which consider the preservation of biological diversity.

Convention on Conservation of Nature in the South Pacific (Apia Convention)

The *Convention on Conservation of Nature in the South Pacific* (Apia Convention) came into force for Australia in 1990. The Apia Convention is the principal international legal instrument concerning regional cooperation for nature conservation in the Pacific.

The proposed Action has considered nature conservation through the implementation of the avoid, mitigate and offset hierarchy.

Convention on International Trade in Endangered Species of Wild Fauna and Flora

The *Convention on International Trade in Endangered Species of Wild Fauna and Flora* is an international agreement between governments that aims to ensure that the international trade in wildlife does not threaten wild populations of plants and animals (Cth DCCEEW, 2021).

Considering the proposed Action would not involve any commercial or non-commercial trade of CITES listed plants and animals, the CITES does not apply to the proposed Action.

Recovery Plans and Threat Abatement Plans

The *Matters of National Environmental Significance – Significant Impact Criteria* appended to the BDAR (Appendix D) considers the relevant recovery plans and threat abatement plans for each threatened species and threatened ecological community.

A5.6 REFERENCES

Australian Heritage Commission (2002). *Ask First: A Guide to Respecting Indigenous Heritage Places and Values*.

Commonwealth Department of Climate Change, Energy, the Environment and Water (2021). *Convention on International Trade in Endangered Species of Wild Fauna And Flora (CITES)*.

Commonwealth Department of Climate Change, Energy, the Environment and Water (2023). *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999*.

Department of Climate Change, Energy, the Environment and Water (2022). *National Heritage Places – Royal National Park and Garawarra State Conservation Area*.

Department of Environment and Conservation (2005). *Royal National Park Coastal Cabins Areas, Conservation Management Plan*.

Department of Planning and Environment (2022). *Royal National Park, Heathcote National Park and Garawarra State Conservation Area: Plan of Management*.

Department of the Environment, Water, Heritage and the Arts (2013). *Matters of National Environmental Significance: Significant Impact Guidelines 1.1*.

United Nations (2025). *Convention on Biological Diversity, key international instrument for sustainable development*.