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Metropolitan Collieries Pty Ltd
C/- NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

REFERENCE **DE-2025/72**
Date 18 August 2025

Dear Sir/Madam

MP08_0149-Mod-4

Development	State Significant Development - Metropolitan Coal Mine - Modification 4 (MP08_0149-Mod-4) - Longwall 317 and 318 Modification - Request to Provide Advice on Modification Report
Location	Metropolitan Colliery, Pt Lot 1 DP 830604 Cataract & Wononora Dams - Catchment Area
	Princes Highway WORONORA DAM NSW 2508

Thank you for providing Council with the opportunity to comment on this proposal.

The submitted documentation from the proponent responding to the Department's Modification Guidelines advice has been reviewed. It is understood the Modification would represent the continuation of mining in the Woronora Special Area on land vested under the control of Water NSW and that Metropolitan Coal proposes to optimise the approved underground mine layout to allow for the extraction of additional resources through the northern extension of Longwall 317 and addition of Longwall 318 to the West within existing mining and exploration tenements.

Other related aspects of the proposal also include the relocation of the approved (but not yet constructed) Ventilation Shaft 4 and the relinquishment of certain unmined areas of the current approved mine layout resulting in a reduction of 253 hectares (ha) of longwall mining area.

Appropriately, the proponent and Department has undertaken extensive consultation with relevant government agencies and key stakeholders. It is also noted the modification is a controlled action under the Environment Protection Biodiversity Conservation Act (EPBC) 1999 and will be assessed by the NSW Government under the assessment bilateral agreement with the Commonwealth Government, requiring referral and advice from an independent Expert Scientific Committee. Key assessment issues for the Department's consideration are likely to be security of drinking water supply and biodiversity impacts from subsidence as well as Aboriginal Heritage matters.

Comments from relevant sections of Council as follows:

Traffic and Transport

It is understood that there will be no further increase in coal extracted from the site or staff numbers. As a result, there will be minimal change in day-to-day traffic movements and traffic demands will generally remain the same, noting that an existing Traffic Management Plan is in place, and will remain relevant in terms of managing vehicle routes, vehicle restrictions etc.

Environmental

The contamination assessment deals with current and future proposed uses of the site which is mining. Therefore, no assessment has been undertaken in relation to potential contamination related to the changed configuration of the mining operation. This will most likely be addressed in the pollution response documents.

Groundwater assessment with respect to Honey Suckle Creek's reduced influx and mine subsidence can cause long-term deformation of the creek bed and banks, including:

- Channel lowering or warping – subsidence induced settlement can cause differential lowering, altering the hydraulic gradient and permanently changing flow patterns.
- Bank destabilisation – cracking and slumping can increase erosion rates, leading to widening or straightening of the channel.
- Loss of pool–riffle sequences – subsidence may flatten natural channel morphology, reducing habitat diversity.

Once these changes occur, they are typically irreversible without major engineering works, because the subsided ground settles into a new equilibrium that is difficult to restore. There is a possibility of Hydrological Disconnection resulting from the predicted mine subsidence via a fracture the creek bed and underlying sediments, creating preferential pathways for water loss to the subsurface. This can result in permanent leakage from surface flows into the fractured strata.

The predicted reduced influx/baseflow would likely cause lowering dry-season flow. A sustained reduction in groundwater inflow will:

- Lower baseflow volumes, particularly in dry periods, making the creek more ephemeral.
- Increase seasonal variability – higher extremes between wet- and dry-season flows.
- Reduce thermal buffering – groundwater often moderates stream temperature; less influx increases temperature swings, stressing aquatic life.
- Elevate risk of low-oxygen events due to stagnant pools in dry seasons.
- Reduction can have ecological impacts in sensitive systems and is likely to cause measurable changes in flow permanence and water quality.

If groundwater reduction is sustained, the riparian zone may transition to a new stable but less diverse ecological state within 5–10 years. Passive recovery is unlikely without intervention (e.g., engineered rewatering, bank stabilisation, or revegetation with drought-adapted native species).

The Biodiversity Development Assessment Report (BDAR) identified that within the development footprint, there would be direct loss of 3.8 ha of native vegetation, consisting of high condition Plant Community Type (PCT) 3590 - *Southern Sydney Scribbly Gum Woodland*, which provides important habitat resources for a range of fauna. Unavoidable impacts of habitat clearance for these species would be offset with combination of 79 ecosystem credits and species credits.

There are three threatened fauna species that require species credits as a result of direct impacts:

- Powerful Owl (*Ninox strenua*) (Vulnerable, BC Act) (105 credits required)
- Eastern Pygmy-possum (*Cercartetus nanus*) (Vulnerable, BC Act) (105 credits required)
- Giant Dragonfly (*Petalura gigantea*) (Vulnerable, BC Act). (158 credits required)

Thirty-five Matters of National Environmental Significance (MNES) were assessed in relation to the proposed Modification. The assessment concluded that the Modification is likely to have a significant impact on three MNES listed under the EPBC Act with additional credits to be required consisting of:

- 165 credits for Coastal Upland Swamps
- 130 credits for Giant Burrowing Frog
- 173 credits for Littlejohn's Treefrog

The six swamps (Swamps 74, 75, 106, 117, 119, and 130) were identified to have a low potential risk of *greater than negligible environmental consequences*, consisting of PCT 3924, which aligns with Coastal Upland Swamps. The Modification is predicted to indirectly impact 29.3 ha of this Threatened Ecological Community (TEC), and it is predicted that there could be a loss of grass/grasslike species diversity and cover due to hydrological changes. The degradation of these swamp habitats may result in the loss of suitable habitat over time for species such as Red-crowned Toadlet, Giant Dragonfly, Giant Burrowing Frog.

Under the *Addendum to NSW Biodiversity Offsets Policy for Major Projects: Upland swamps impacted by longwall mining subsidence* (OEH, 2016): "*if it is predicted that upland swamps are likely to experience greater than negligible environmental consequences as a result of mining subsidence, conditions of consent will require that, on the approval of an extraction plan, a proponent must demonstrate a legal ability to secure offsets for the swamps to be undermined in that extraction plan, as calculated using the Framework for Biodiversity Assessment…Alongside the application for each extraction plan, the proponent must prepare a Biodiversity Offset Strategy that demonstrates how it can fully meet the requirements of its maximum predicted offset liability for the required ecosystem and species credits…Offsets identified in the Biodiversity Offsets Strategy are only required to be secured or credits retired once the impacts of mining are confirmed through monitoring and reviewed by the independent expert panel"*.

The proposal suggests that this is a 'low risk' and is therefore not subject to the Policy outlined above. However, the BDAR repeatedly states that Swamps 74, 75, 106, 117, 119 and 130 have a *greater than negligible environmental consequence*. Council's interpretation of the Policy is that even a 'low risk' is still greater than negligible, and further, that the Policy requires the offset liability is based on a worst-case scenario given the uncertainties. This is further supported by the EPBC Act Assessment of Significance confirming that a significant impact on Coastal Upland Swamps is 'Likely' (Appendix B of the BDAR).

Council considers the proposal should not be approved without an Offset Strategy being prepared that demonstrates how it can fully meet the requirements of its maximum predicted offset liability for the required ecosystem and species credits, and commitments made as such.

Thirteen entities at risk of a Serious and Irreversible Impacts (SAII) are considered relevant to the Modification:

- Coastal Upland Swamp TEC
- Broad-headed Snake
- Large-eared Pied Bat

- Giant Dragonfly
- Bauer’s Midge Orchid
- Deane’s Paperbark
- Eastern Australian Ground Orchid
- *Gyrostemon theisoides*
- Hairy Geebung
- Scrub Turpentine
- Slaty Leek Orchid
- Sublime Point Pomaderris
- Thick-leaf Star-hair

For major projects, the consent authority must consider how impacts on SAII values are being avoided, minimised, and mitigated. Refusal is not mandatory for major projects, but the potential for impacts on SAII values is a significant factor in the assessment.

Council would consider that additional credit requirements and conservation measures should be applied given the potential for Serious and Irreversible Impacts.

Geotechnical

The submission indicates the geometry of the modified Longwalls 317 and 318 is 55m pillar widths to reduce the tensile strain at the surface of 0.5mm/m to reduce subsidence effects. The predicted total vertical, tilt and sagging curvature subsidence is the same as previously predicted for the current approved layout.

Heritage

The Aboriginal Cultural Heritage Assessment Report (ACHAR) identifies 29 known Aboriginal Sites located within the Mining area that are expected to be affected by the proposal including 3 new sites identified as part of the study. These sites include 14 rock shelter sites containing rock art and one rock engraving.

The Report, however, only assesses 4 of the 29 sites as having "moderate" significance, with 25 sites assessed as having low significance (86% of recorded sites). The ranking of 13 separate rock art sites located within close vicinity as being of "Low" scientific significance appears quite a remarkable conclusion.

It is noted that the field survey that informed the report involved only inspecting 6% of the affected study area, with an additional 3% having been surveyed as part of a prior assessment. It is also noted that with only 9% of the impacted study area being surveyed and 29 sites having been identified, it is very reasonable to assume that a substantial number of additional unrecorded sites are likely to be present within the affected area. In fact, with less than 10% of the site surveyed and 29 sites already identified, it would appear likely that as many as 200 or more sites could reasonably be present in the affected area.

By deduction, it is also reasonable to assume that additional sites, including potential additional cave sites with rock art, and rock engraving sites, may be located within the area expected to be affected by mine subsidence and other impacts and that the potential impacts of mine activity on these unidentified sites has not been considered or assessed in the application. It is noted that 25 of the 29 identified sites have been indicated as being at risk from subsidence impacts. This equates to 86% of known/recorded sites.

The report suggests that the mine has demonstrated a rate of impact from previous operations of only 2% of Aboriginal sites within the mine area. This is based on two identified sites having suffered direct damage through cracking of Aboriginal Art or grinding grooves. However, the data provided actually appears to support a percentage impact of around 9% from previous operations. For example, the report notes that "Monitoring programs have documented subsidence changes at 13 of the 144 sites within the mining area". Whilst direct damage to only two sites has so far been observed, it would appear likely that the long-term impacts of the subsidence are yet to be fully observed.

It is also of concern that of the 29 sites within the study area for this application, only 14 of these were actually located and visited during the preparation of the ACHAR (see section 5.3.2). This draws into question the proponent's ability to accurately measure, monitor and review subsidence impacts. If not all of the potentially affected Aboriginal sites could be re-located and visited in the pre-development study process, it is unclear as to how these sites can be recorded and monitored during the mining process.

It is of further concern that the report includes within Table 1 a summary of the known sites within the impact area and yet, this table only provides a "Scientific" significance rating. The report elsewhere acknowledges that all of these sites are regarded as having "High" Cultural significance to the local community, yet this has not been acknowledged or considered as relevant within the summary assessment within the executive summary. This is concerning given that the scientific and cultural significance ratings should be given equal weight in considering appropriate management and suggests that the significance of the sites is being deliberately downplayed.

The Illawarra Local Aboriginal Land Council (ILALC) provided as part of the ACHAR assessment process a lengthy and detailed submission which provided critique of the methodology, assessment, and conclusions of the ACHAR report. In Council's view these comments should be given significant weight in the assessment of the application. The response to this submission provided within the ACHAR report fails to instil confidence that the issues raised have been carefully considered.

Importantly, the ILALC submission notes the need for the impacts of the proposal to all of Country, and not just individual sites must be considered. Concern is also raised about the broader cultural landscape values and the cultural landscape significance of the site, including its vital role as part of the Sydney Water Catchment.

The submission further notes that the site forms part of a National Heritage Nomination for the Sydney Cultural Crescent Rock Art which is yet to be finalised and fails to consider the cultural significance of the many artworks within the study area and their contribution to these broader values. The 15 art sites in the study area represent a gallery of significant age and antiquity that does not appear to have been dated or subjected to any rigorous assessment.

The study provides little evidence that the cultural values of the identified sites have been meaningfully assessed or considered in drawing conclusions about the significance of the various sites. No attempt appears to have been made to work with the community to explore and consider the cultural value of the sites and to explore and understand the potential cultural meanings within the artworks.

Claims are made in many instances that sites are typical of their type and not outstanding. However, no detail has been provided in terms of comparative analysis.

The ILALC have also noted concerns about the lack of rigor provided in relation to the conclusions that the impacts of mining are expected to be of minor impact on the significance of the identified (or unidentified) sites. The mitigation measures proposed within the ACHAR also appear to essentially involve monitoring of impacts over the life of the mining operation. As indicated by ILALC, this is not a mitigation response, rather, it is management of destruction only.

In light of the above commentary, and the concerns of the ILALC about the proposal, Council strongly suggests that additional consideration should be given to the ILALC's submission, and the additional cultural values assessment and conservation considerations suggested within their recommendations.

In summary, the current ACHAR does not appear to provide a comprehensive assessment. It is dismissive of the significance of sites, fails to adequately assess the broader cultural and scientific values of the grouping of items, and the broader cultural landscape, it appears to deliberately ignore the identified high cultural significance value of the sites (in not including these in the summary table provided within the executive summary of the report), and does not provide a thorough and meaningful assessment of expected impacts, or any meaningful mitigation measures for these potential impacts.

The finding of a conglomerate of 15 Aboriginal Art sites (14 in shelters and one engraving), combined with numerous grinding grooves and unexplored artefact sites, all located within such close proximity of each other suggests a highly significant cultural landscape. The significance of the sites identified within the report appear to be being significantly downplayed and undervalued within the assessment.

If you have any questions regarding the above, please contact me on the telephone number below.

This letter is authorised by.

John Wood
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