

ITEM 19

NOTICE OF MOTION - COUNCILLOR DEIDRE STUART - METROPOLITAN COAL MINE MODIFICATION 4 LONGWALL 317 AND 318 MODIFICATION

Councillor Deidre Stuart has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Writes to the NSW Department of Planning, Housing and Infrastructure to object to the proposed Metropolitan Coal Mine Modification 4 Longwall 317 and 318 Modification (MP08_0149-Mod-4 ‘Modification’) noting that the deadline for written submissions is 26 August 2025.
- 2 Writes to the NSW Planning Minister asking that he refers determination of this Modification project to the Independent Planning Commission (IPC) for a public meeting and determination to enhance transparency and accountability in decision-making. This would also be consistent with stated NSW government policy supporting independent assessment of all resources projects.”

Background provided by Councillor Deidre Stuart:

Objection to the Modification Proposal

The Metropolitan Coal Mine is an existing underground coal mine located in Helensburgh, and is owned by Peabody Energy Australia Pty Ltd. It currently operates under Project Approval 08_0149 which relates to Longwalls 20-27, 301-317, granted in 2009. The proposed MP08_0149-Mod-4 (the Modification) seeks to:

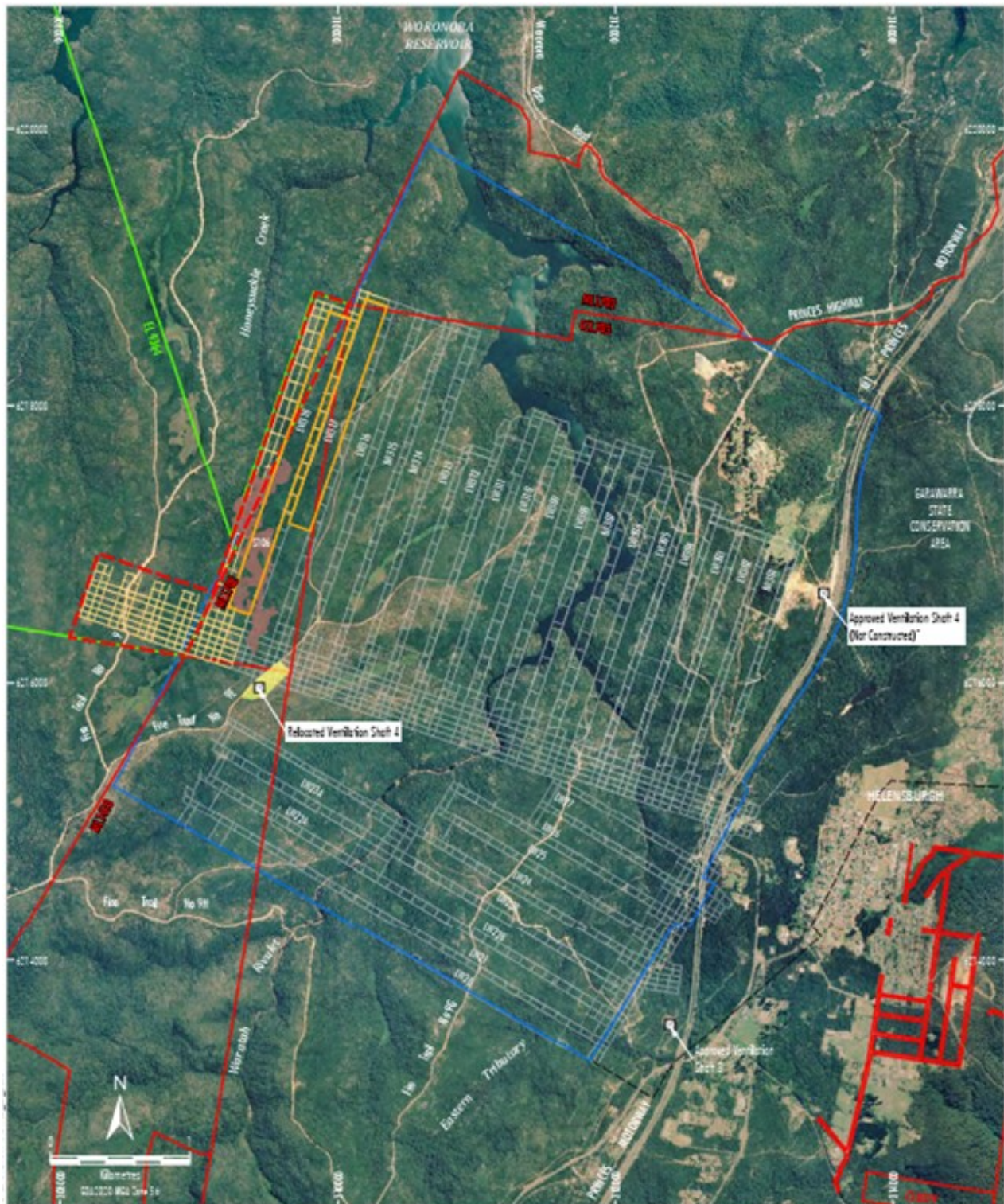
- expand on the existing approved area by extending the already approved Longwall 317 to the north;
- add an additional Longwall 318 to the west;
- add First Workings mining also to the west; and
- relocate an approved but not yet constructed ventilation shaft (#4) approximately 3 km to the west.

Two maps copied from the Peabody Modification Report are provided on the pages that follow. These show the Metropolitan mining lease sits entirely within the Wollongong Local Government Area (LGA), and the proposed expansion Modification also is entirely within Wollongong LGA’s borders. The Modification proposes to expand mining significantly beyond their Mining Lease boundaries. The Modification (i.e. the expanded underground mining areas and proposed site for the relocated ventilation shaft) is located on land zoned in the Wollongong LEP as C2 (Environmental Conservation).

The Metropolitan Coal Mine mines under the legislated *Woronora Special Area* of the Greater Sydney Drinking Water Catchment (GSDWC). Special areas are areas recognised as having very high water, water infrastructure and ecological values, and are ‘protected’ under the law. Hefty fines apply to members of the general public who enter without appropriate permission. The Modification proposes to expand further into and further undermine the Woronora Special Area.



Figure 1 - "Figure ES-1 Regional Location" extracted from Metropolitan Coal Mine - Longwalls 317 & 318 Modification Report



Source: Land and Property Information (2015); Data of Aerial Photography 1996; Department of Industry (2015); Metropolitan Coal (2025)



Note:
The Longwalls 301 to 316 layout shown reflects the layouts in the approved Extraction Plans.
* The approved location of Ventilation Shaft 4 following completion of construction is shown. The construction footprint would be of a similar size to the proposed Relocated Ventilation Shaft 4.

Peabody
METROPOLITAN COAL
Modified General Arrangement

Figure ES-2

Figure 2 - "Figure ES-2 Modified General Arrangement" extracted from Metropolitan Coal Mine - Longwalls 317 & 318 Modification Report

The second map also shows that the proposed additional Longwall 318 would undermine the large upland swamp (# 106). Under NSW legislation, upland swamps are an endangered ecological community type, and their occurrence contributes to the very high water and ecological values of the Woronora Special Area. Upland swamps help capture water and release it slowly to their surroundings. Longwall mining by Peabody at Metropolitan has already destroyed and damaged other upland swamps through fracturing and subsidence of the geological strata under the swamps. Once the rocks and clays and other geological layers that hold water (under the swamp) are broken up, then when rain falls, the water flows through the swamp rather than being held by it. The swamps dry out: wetland species (plants and animals) die, and peat dries and becomes fuel for fires.

Furthermore, the fracturing and subsidence of the ground caused by underground longwall coal mining allows for methane-rich gases released hundreds of metres underground at the cut coal seams to percolate up and be released into the atmosphere. Whereas upland swamps are natural fire barriers, desiccated upland swamps can increase fire risk. On top of this, the water that would have been retained by the swamps and moved through surface water systems, instead percolates through the fissures and fractures and becomes polluted with heavy metals before it finds its way either down into mine voids and/or out into the wider environment.

Wollongong City Council as the relevant Local Government Authority should object to this Modification proposal on the following grounds:

- Climate change impacts from both projected and unaccounted-for greenhouse gas (GHG) emissions:
 - This Modification will lead to yet more *projected* GHG emissions – Scopes 1, 2 and 3 as outlined in the proposal. Given experience to date of coal mining in Australia, these projected emissions will significantly under-estimate the Scope 1 fugitive methane emissions during the life of the mine and during decommissioning.
 - This Modification will lead to GHG emissions that are *not accounted for* in the proposal. Methane-rich GHG emissions will likely continue for decades, if not centuries, well beyond the mining and decommissioning period – directly from the disrupted landscape and via nonsealable infrastructure such as adits and shaft vents. Even if the company follows through with their stated decommissioning and removes the shaft-vent above-ground structures in a timely way and plugs the shaft with reject, there is still no way to reseal the landscape. The use of polyurethane/grout or other materials attempting to repair and plug cracks and repair rock platforms, simply does not work. High-pressure coal seam gases escaping from deep underground will find their way out through other weak spots or openings in the mining-disrupted landscape.
 - The Bulli Coal Seam which Metropolitan mines is notoriously gassy. Metropolitan is NSW's fifth highest emitting coal mine with a very poor track record of GHG abatement. Its Scope 1 emissions in FY24 were at their highest level since the Safeguard Mechanism was introduced in 2016 (at almost 700,000 t CO₂-e). Furthermore 80% of Scope 1 in FY24 was methane (554,603 t CO₂-e).
 - According to the NSW Net Zero Emissions Dashboard, NSW is not on track to meet its 2030 GHG emissions reduction target. Since April 2025, NSW DPHI has approved new coal projects that will very likely be responsible for ~24% of the projected 2030 overshoot. NSW is in an even worse position related to its 2035 target. Approving this Modification will only make meeting NSW emissions targets more difficult. Moreover, experts (e.g. Climate Council, CSIRO, Ember etc) argue that during the next decade the world needs to urgently cut fossil fuel methane emissions – due to the methane's high warming potency and short lifespan in the atmosphere – while we find ways to reduce carbon dioxide emissions. However, keeping our world within 1.5°C warming now seems already out of reach.
 - Our LGA is already experiencing the beginnings of climate chaos – with seven natural disasters declared since July 2019. Many in our community have been impacted directly by flooding, wind, heat and smoke. In the same period, the Illawarra Emergency Operations Committee was activated more than 12 times. Council is still carrying costs from these events. Our community is wearing rising costs resulting from climate change – including higher insurance premiums and rising food costs.

- Further negative impacts on the quantity and quality of water in the GSDWC: this is inconsistent with the *neutral or beneficial* requirement in the EP&A Act. Metropolitan has already caused very significant damages in the Woronora Special Area (e.g. as discussed in the *Independent Expert Panel on Mining in the Catchment* reports) – much more than was predicted at the proposal stages, with impacts on water quantity and quality. An extensive literature demonstrates that longwall coal mining busts up the geological strata as evidenced by subsidence, hogging, tilting, fractures, cracks and the like – and this damages the landscape with impacts on water flows and water quality. Moreover, Peabody has released polluted waste material into a waterway which flows through the Royal National Park on numerous occasions through 2022, in January, July, August, September, October, November, and December. In January 2023 the NSW Environment Protection Authority (EPA) reported yet another spill of “grey, turbid water with possible coal material present.” In March 2023 the NSW EPA reviewed the mine’s license to pollute and tightened some conditions, but this has failed to prevent further damage to the park. In August 2023, the embankment of the mine site next to the adjacent creek collapsed, coal waste material again spilled into the creek, and from there into the Hacking River, which flows through the heart and length of the Royal National Park. Throughout these incidents no effective emergency management procedures were put in place to stop the coal waste polluting the Hacking River and Royal National Park.
- Potential destruction of Aboriginal cultural heritage through damages to sites and to the cultural landscape – occurring across an estimated study area of 455 hectares. The proposal indicates that a total of 29 cultural heritage sites were identified in a survey of just 9% of the area. Consulted Aboriginal parties argue that cultural heritage sites should be considered holistically and all have high cultural significance even though the Niche assessment did not identify any as having high scientific significance. The report notes potential fracturing of exposed sandstone at grinding groove sites and potential for rockfalls at overhang sites. 25 of the 29 confirmed Aboriginal heritage sites located in the Modification area could experience subsidence-driven ground movement, potentially leading to loss of cultural value.
- Damage or destruction of fragile ecosystems, including specifically to the upland swamp 106.
- Impacts on our biodiversity and species that result from:
 - Geological impacts and altered hydrogeology caused by ground subsidence and fracturing from underground longwall mining; and
 - Direct land, ecosystem and water disturbances associated with surface infrastructure such as shaft vents and sealing of roads and heavy vehicle movements – extending beyond the current impacted Mining Lease zone. Australia is already in a biodiversity and species extinction crisis.

An objection to this Modification proposal by Council would be consistent with our CSP goals, including:

- 1.2 *Partner with Aboriginal and Torres Strait Islander communities and organisations in the way we care for the environment.*
- 1.3 *Manage and improve the cleanliness, health, biodiversity of land and water including creeks, lakes, waterways and oceans.*
- 1.5 *Work together to achieve net zero greenhouse gas emissions and mitigate the impacts of climate change).*
- 3.6 *We are leaders in sustainable industries and support a transition to a low-carbon and clean energy future.*

This Modification is inconsistent with genuine sustainability or real action on climate change. It is also inconsistent with our goal as a Council to foster a diverse economy into the future. Moreover, the *Local Government Act 1993* charter specifies that councils have responsibilities to ‘... *properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development*’. This proposed Modification is not consistent with ecologically sustainable development.

The Wollongong LEP prohibits development for the purpose of underground mining within the C2 (Environmental Conservation) zoning, which is where this Modification would occur. Notably, the objectives of C2 zones in the LEP are:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To retain and enhance the visual and scenic qualities of the Illawarra Escarpment.
- To maintain the quality of the water supply for Sydney and the Illawarra by protecting land forming part of the Sydney Drinking Water Catchment under [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6, to enable the management and appropriate use of the land by Water NSW.

There is no way that this proposed expansion of coal mining is consistent with these objectives, so Council should object to this Modification.

Request for a referral to the IPC for a public meeting and determination

So far, six coal mine extensions have been approved by the NSW Department of Planning, Housing and Infrastructure (DPHI), under the current NSW Labor government, none of them by the NSW IPC.

Coal mine extensions approved by the NSW DPHI under the NSW Minns Labor government
(source: Lock the Gate Alliance)

Project	Date approved	Total Scope 1 GHG Mt CO2-e	Total Scope 2 GHG Mt CO2-e	Total Scope 3 GHG Mt CO2-e	Total GHGs (lifetime) Mt CO2-e	Approval until	Additional ROM coal approved (Mt)
Boggabri MOD 8	22/01/24	0.79	0.07	61.8	62.66	3 yrs (2033 - 2036)	28.1
Glendell Mine Modification 5 - Life Extension	01/07/24	0.07	0.0004	2.64	2.71	2026	1.8
Mt Arthur Coal MOD 2 (Pathway to 2030)	16/04/25	2.49	0.33	190.20	193.02	4 yrs (FY27 - FY30)	89.8
HVO Mod 8 - Extension of time	24/04/25	1.53	0.08	33.06	34.67	18 months (end 2026)	18.2
Ulan Coal Mod 6 - u/ground extension	22/05/25	0.10	0.04	41.679	41.81	2 yrs (2033-2035)	18.8
Tahmoor MOD 3 - Longwall STA	27/05/25	0.97			8.01		2
Totals		5.95			342.88		158.73

This is despite a Labor election promise and various policy statements since such as:

- **March 2023:** Prior to the election, Clayton Barr, on behalf of NSW Labor promised that “[n]ew coal mine projects must be subject to an independent approval process”.
- **24 May 2023:** Courtney Houssos MLC (Resources Minister): “On the issue of coal projects ... I speak on behalf of the Government and as Minister for Natural Resources when I state that we support an independent assessment of resources projects. We do not believe the assessment of those projects should be in the hands of politicians. We took that position to the election and we continue to hold that position in government. We support an independent assessment process that involves environmental assessment and also allows communities to have their say.”
- **2 Nov 2023:** Courtney Houssos MLC (Resources Minister):
 - “We were really clear before the election that we support the independent planning assessment process of resources projects, and that is the important overarching principle.”...
 - “From a whole-of-government approach, we would say that we support an independent assessment of planning of all resources projects. In relation to any expansion of existing coalmines or new coalmines, they would have to go through that independent process ...”
- **29 May 2025:** Paul Scully MP (Planning Minister): claimed that “resource proposals are all assessed by the Independent Planning Commission (IPC) and its public meeting and hearing processes

provide an additional opportunity for the community and other stakeholders to provide submissions and other feedback during its assessment process”.

It is in the power of the NSW Planning Minister to refer this Modification to the IPC for a public meeting and determination. This would provide greater transparency and higher accountability around the decision outcome – whether approval or rejection. Given NSW Government’s stated position related to IPC involvement in resources projects I ask Council to write to the NSW Planning Minister asking that he refers determination of this Modification project to the Independent Planning Commission (IPC) for a public meeting and determination.