

13 February, 2023

By email:

Compliance, NSW Environmental Protection Authority
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Steve Beaman stephen.beaman@epa.nsw.gov.au

Re: Cancellation of Peabody's Metropolitan Colliery EPL 767

Sutherland Shire Environment Centre has already put in one submission to the EPA review of the Peabody Metropolitan Colliery EPL 767.

Please accept this second submission raising further points arising following the heavy rain event on Thursday 9 February. It is not clear whether the EPA has grasped the full force of the water that flows down the Hacking River catchment, and it is imperative this be taken into account, especially with an increasing number of extreme weather events expected over coming years as the impact of climate change escalates.

On 9 February heavy rain caused the Hacking River to flood: Audley Weir was closed and the water rose to the roof of the historic Boatshed, as per screen shots from the 7 News story shown below.





At the McKell Avenue causeway the force of the water can be seen in the two screenshot photos below, both from a video taken by Brad Cole that same day:



The torrential flow here should make it entirely obvious how larger lumps of coal, smaller coal pieces, and sediment fines would be easily flushed down the full length of the Hacking River, out to Port Hacking itself.

It also draws into question yet again the issue of so-called “legacy coal”. Ascribing the term legacy to any coal material seen downstream is no longer feasible or credible.



What does the EPA believe occurs with the Peabody holding dams when this type of rainfall event takes place?

The causeway over the Hacking River at Otford was also destroyed on Thursday, enormous blocks of concrete broke up and were washed off the causeway by the force of the water:



At Stanwell Park a car was washed into the ocean:



The photo below is a screenshot from another video which was taken of another landslide and road closure around Stanwell Park. Please note the size of the rocks on the road:



Image credit Raeleen Rickard.

This type of weather seems to be a pattern rather than an exception at present. Audley Weir was closed for 50 days in 2022 due to flooding. A number of local landslides and road collapses occurred due to weather conditions at that time.

Garie Road in the Royal National Park was closed on 26 March, 2022 for that reason, and remains closed now. Photo credit The Leader, 25 July, 2022.¹



Lady Wakehurst Drive was also impacted in March, 2022, suffering a similar collapse.



Wattamolla Road in the Royal National Park was closed as well on 2 April due to a rock fall.

¹ <https://www.theleader.com.au/story/7826791/updated-beach-road-closed-for-four-months/> See also, <https://www.theleader.com.au/story/7833252/school-bus-risk-on-damaged-road/>

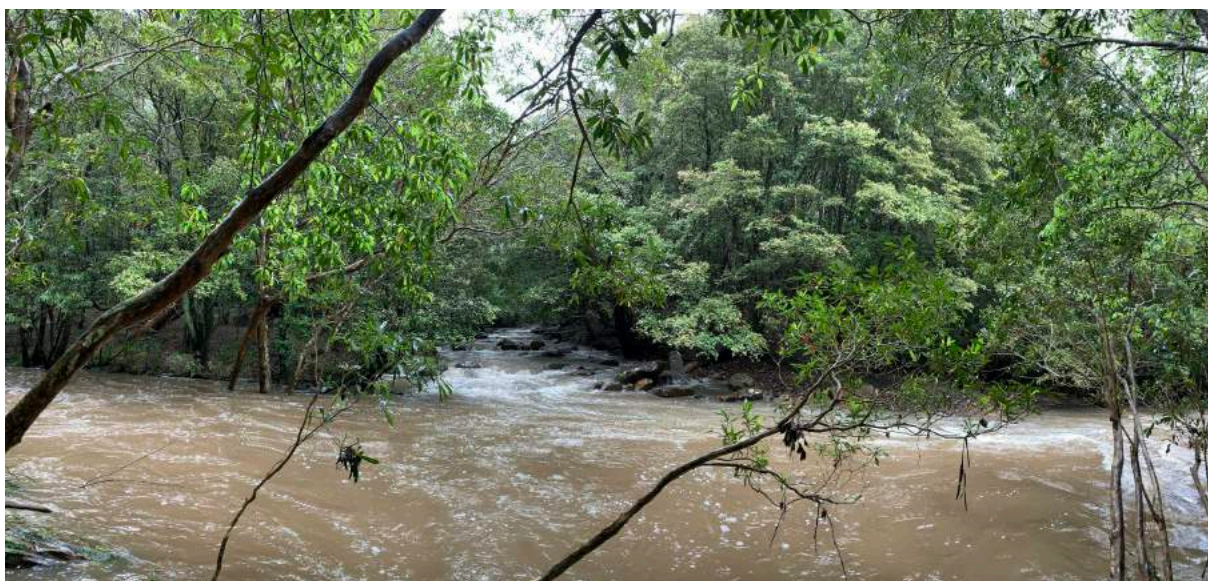
Can the EPA guarantee similar landslips will not happen around the Colliery? Or that the holding dams will not continue to overflow?

A tour of the Colliery on Google Earth reveals the topography of the landscape around the mine surface facilities flows naturally toward Camp Gully Creek. There are ephemeral streams nearby. The sediment pond on the western side of the site sits at the base of a deep natural gully. Where does any water overflowing from this pond flush to when it rains?



At next gully to the north, McKinnons Creek runs down to the trainline (covered in coal deposits) and from there the water flows across and down to Camp Gully Creek.

The photo below is from a video taken at the confluence of Camp Gully Creek and the Hacking River in early October. The flow of the water here has tremendous force, but this was only mild a flood, far less than Thursday's torrent. Clearly there was still enough force and power to pick up coal waste and carry it far downstream:



The photo below shows the force of water flooding over Audley Weir on Thursday 9 February, 2023. Image credit NSW RFS Engadine Brigade.



When this water receded coal waste covered areas around the Historic Audley Precinct.

The photo below is of Iron Bark Flat at Audley the following day, 10 February, 2023.





Iron Bark Flat at Audley, 10 February, 2023. Photo credit Bob Crombie.



Coal sludge on Currawong Flat, Audley 10 February, 2023. Photo credit Bob Crombie.

The two photos below were also taken by Bob Crombie, a few days earlier, on February 5, at Jersey Springs, on the Hacking River, next to the beautiful, historic Lady Carrington Drive, about 1.5km north of Audley Weir. The coal waste shown here is many kilometers south of the junction of McKell and Lady Wakehurst Drive, where the EPA has stated that Peabody's remediation obligations cease.



Statements made by the EPA such as the one which appeared in the Illawarra Mercury on 7 October, 2022 should be fully retracted. A full account of the extent of what has happened should be made clear.

The Phase 2 plans need to be approved by the EPA as not likely to further damage the environment. Once they approved the work will commence.

It is still not clear how far into the river the coal pollution has flowed.

The EPA estimated it had gone at least 50m. The Mercury asked Peabody for its estimate of how far the pollution had extended but has not received an answer.

These media statements give the impression that the EPA is glossing over the extent of the coal waste pollution now disfiguring the Royal National Park.

We have provided evidence that there is coal waste throughout this river system, and that it is washing further downstream with the force of water following every heavy rain event. The EPA has not provided any definitive evidence that this material is all "legacy" coal.

What has happened over the last year with the spills that have been officially recorded is bad enough. We provided evidence in our previous submission of waste material escaping the mine site over the last few years which was not recorded or reported.

We understand that the EPA has recently amended EPL 767 to require further monitoring for macroinvertebrates. This is a move in the right direction, but it is manifestly inadequate.

Will the Royal National Park and Port Hacking continue to be disfigured due to an inadequate Environment Protection License? EPL 767 should be cancelled.

Peabody has amply demonstrated they cannot responsibly manage conditions at this site, with the heavy rainfall that is increasingly impacting this high yield rainfall area.

Please act on this evidence, fulfil your mandate, and ensure the environment here is protected.

Regards,

Dr Catherine Reynolds
Secretary
Sutherland Shire Environment Centre