

We the undersigned ask the government to place an immediate moratorium on the longwall coal mining that is occurring under the 'Special Area' of the Woronora drinking water catchment.

We ask the government to cancel the authorisations and titles that permit exploration for and mining of coal in the 'Special Area' of the Woronora drinking water catchment, to cancel, reject and refuse all future extraction plans in the 'Special Area' of the Woronora drinking water catchment. We further ask the government to confer the designation of nature reserve on this area. Doing so would help preserve the important habitats, such as endangered coastal upland swamps that are vitally important for filtering and maintaining our water supply.

The current longwall mining taking place under the 'Special Area' of the Woronora drinking water catchment is inconsistent with a number of legislated Objectives of WaterNSW, and a number of its core statutory functions.

Part 2 Division 2 Section 6 of the Water NSW Act 2014 states that WaterNSW must act -

(1) (b) to supply water in compliance with appropriate standards of quality

(c) to ensure that declared catchment areas and water management works in such areas are managed and protected so as to promote water quality, the protection of public health and public safety, and the protection of the environment

(e) to maintain and operate the works of WaterNSW efficiently and economically and in accordance with sound commercial principles.

(2) (a) (ii) to maximise the net worth of the State's investment in WaterNSW

(b) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates

(d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the *Protection of the Environment Administration Act 1991*.¹

Part 2 Division 2 Section 7 of the Water NSW Act 2014 states another Function of WaterNSW is -

(g) to protect and enhance the quality and quantity of water in declared catchment areas.²

The longwall mining under the Woronora Catchment has compromised the ecological integrity of this 'Special Area' which is meant to be protected under sections 6 (1)(c), 6(2)(d), and section 7(g) of the Act, and has, as a result, compromised the integrity of WaterNSW's water supply infrastructure, and devalued a critical asset owned by the people of New South Wales, in contravention of Section 2(a)(ii) of the Act.

The WaterNSW submission to the Independent Expert Panel into Mining Under the Catchment reports that subsidence from the longwall mines has already resulted in two swamps and a large proportion of pools drying out in the Woronora 'Special Area' catchment. No proper baseline monitoring protocols to determine water loss appear have been established.³ There is no information as to how much water is entering the longwalls that have previously been mined, or how much then leaches out again, bringing with it contaminants that can include iron, manganese, zinc, aluminium, barium, and strontium. These contaminants are leached from the freshly-cracked faces of the broken up rock strata through which the water travels underground.

The WaterNSW submission advises that 'There is now strong evidence that the environmental consequences from mining in the Special Areas are greater than predicted when the mining was proposed and approved', and that 'some of these environmental consequences have caused (or are likely to cause) breaches in conditions in the relevant development consents, including

¹ <https://www.legislation.nsw.gov.au/#/view/act/2014/74/part2/div2/sec6>

² <https://www.legislation.nsw.gov.au/#/view/act/2014/74/part2/div2/sec7>

³ https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0006/225168/Submission-WaterNSW-2.pdf p.8

performance criteria to protect watercourses and Sydney's drinking water catchment'.⁴ It also states 'that there are numerous deficiencies in the manner that analysis and modelling is currently being used to support mining applications in the catchment.'⁵

It has been noted that 'around Australia there are 50,000 abandoned mines which are not being adequately rehabilitated... Mining companies have a long history of walking away without rehabilitating the land... There is a real risk that companies will sell spent coal mines to anyone or transfer them to empty shell companies to avoid the significant liabilities that arise once a mine is officially closed'⁶. In the event this occurs, remediation and compensation costs would flow to the NSW government. To accept such potential liability risk is contrary to the WaterNSW Objectives as stated by Section 6(1)(e) of the Water NSW Act 2014 to function in 'accordance with sound commercial principles'.

The Metropolitan Mine at Woronora is wholly owned by Peabody Energy Australia PCI Pty Ltd, a subsidiary of Peabody Energy Corporation in the USA. Peabody has demonstrated they cannot operate in the Woronora catchment without causing damage. The parent company, Peabody Energy, also has a poor environmental record; it came last on the list for environmental compliance / impact when Newsweek ranked 500 large global companies in 2009⁷ and 2012⁸. In the United States the company has taken an average of 1.3 billion gallons of water a year at it's Black Mesa Mine since the 1960s, and has drained the 'underground water supply, drying up the springs, seeps and water wells' of the Navajo Aquifer. Navajo and Hopi tribes have been left without readily accessible potable water, and Peabody is reportedly engaging in a range of tactics aimed at pushing liability for the remediation costs back on the Navajo.⁹

Peabody has demonstrated a consistent pattern of disregard for communities and the environment in the areas it operates in, which in turn is inconsistent with WaterNSW's objectives under 6 (1)(c) of the Act to ensure 'public health and public safety, and the protection of the environment', and Section 6(2)(b), 'to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates'. It should be further noted that Peabody made \$3.3 billion in coal sales from its Australian subsidiary, with profits of \$1 billion, but paid no tax. Nor for the four years before that.¹⁰ This points to a troubling willingness on the part of the company to bypass Australian laws that have a detrimental impact on its profits.

WaterNSW has a statutory responsibility to protect our water catchment – and this is also a matter of intergenerational equity. The mining currently taking place in the Woronora 'Special Area' catchment and the proposed mines directly under Woronora dam pose an unacceptable risk to an essential resource, an invaluable part of Sydney's economic and social infrastructure. We reject the Independent Expert Panel's recommendations for increased monitoring of increasing damage. This is a business-as-usual proposal that will provide no benefit except further employment of consultants recommending such reports, and the mining company itself.

Damage to the catchment is permanent. Our water supply is too important to hand over to a mining company to despoil.

⁴ https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0006/225168/Submission-WaterNSW-2.pdf p.1

⁵ https://www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0006/225168/Submission-WaterNSW-2.pdf p.7

⁶ <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2017/09/wallarah-2-coal-project/comments-and-presentations/abigail-boyd-central-coast-greens.pdf>

⁷ https://archives.cjr.org/the_observatory/newsweek_ranks_500_greenest_co.php

⁸ <https://www.greenbiz.com/blog/2012/10/20/newsweeks-2012-green-rankings-time-its-serious>

⁹ <https://truthout.org/articles/energy-company-pushes-navajo-nation-to-assume-liability-for-coal-plant/> Feb 22, 2019

¹⁰ <https://www.michaelwest.com.au/companies/tax-dodgers/peabody-australia-holdco-pty-ltd-2019/>

Signed –



GREENPEACE



NPA Southern Sydney Branch

POWA - Protect Our Water Alliance

NORTH CRONULLA PRECINCT

WORONORA VALLEY RESIDENTS ASSOCIATION



GRAYS POINT PROGRESS ASSOCIATION

BUNDEENA PROGRESS ASSOCIATION

CENTRAL AND NORTH MIRANDA PRECINCT RESIDENTS ASSOCIATION

MAIANBAR COMMUNITY ASSOCIATION

OTFORD COMMUNITY ASSOCIATION



Georges River Environmental Alliance



Parramatta Climate Action Network



**Bathurst Community
Climate Action Network**

