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**To NSW Department of Planning
(Boggabri) Modification 10 - Increase to mine footprint and mine life
Submission**

Climate Change Balmain-Rozelle (CCBR) is an independent community group in inner west Sydney with around 1000 supporters. We campaign to promote local and national action to reduce fossil fuel use, increase the adoption of renewable energy, and head off catastrophic global warming.

Recommendation

That the Department refuse the application as:

- the increase in emissions of the Boggabri project is incompatible with NSW attempts to reach 2030 and 2035 emissions reduction targets
- this application represents an inappropriate attempt to "bank" an approval to continue operating until 2040
- the project will impact water resources and wildlife habitat and corridors.

Key points

The cumulative impact on NSW greenhouse gas emissions of multiple extensions to Idemitsu's Boggabri Mine is just as significant as if they were all assessed at once. Yet this Modification 10 application, following approval of Modification 8 last year, is an attempt to manipulate the NSW government by splitting its proposals to expand into smaller chunks that will be assessed as "modifications" rather than as new projects.

- Modification 10 is effectively part two of a large, new project proposal from 2021.
- Greenhouse gas emissions from the total project are not compatible with Net Zero Targets.
- Granting applications to mine life until 2040 makes NSW vulnerable to future liabilities.

Our more detailed explanation of these points follows on pages 2-3.

Please note that CCBR made a submission in 2024 to the Australian Government on Modification 10 impacts on endangered ecological communities and the project's incompatibility with meeting emissions reduction targets. This submission is also relevant and shown on pages 4-5.

Submission prepared by Angela Michaelis
on behalf of CCBR Committee

11 July 2025

Modification 10 is effectively part two of a large, new project proposal from 2021

When Modification (Mod) 8 was first submitted in 2021, the proponent wanted to extract a large amount of coal over a 6-year period beyond the approval in place to operate the mine beyond its 2033 approved date. The table below shows what happened - the original project has been split into two chunks so it appears less like a new project, and more of an incremental change.

Boggabri Coal	extra quantity of coal to be extracted	length of extension	to year
Mod 8 original proposal	61.6 million tonnes	6 years	2039
Mod 8 amended proposal (approved 2024)	28.1. million tonnes	3 years	2036
Mod 10 proposal	30 million tonnes	4 years	2040

In doing this, Idemitsu is attempting to avoid the scrutiny that the original large project would have been subject to. Judged by the Planning Department as "substantially the same project" as the existing operation, each part avoids the possibility that the project as a whole will be assessed and decided by an independent body, attracting wider opportunities for expert and community input.

The title of this Mod 10 recognises that the mine will have a larger footprint and a longer life. In fact, judging by the quantities of coal when you add the two Mods together, we are looking at a much larger footprint and a longer life for Boggabri Coal than its current operations.

Greenhouse gas emissions from the project are not compatible with Net Zero Targets

When Boggabri Mod 8 was approved (January 2024), the Planning Department stated that even though Mod 8 would increase Boggabri's greenhouse gas emissions when the project was approved, those had already been factored into projections against modelling of Net Zero targets (emissions reduction targets for 2030 and 2035)

We now know that the NSW government is not on track to meet its targets for 2030 and 2035¹. The modelling was updated in April 2024, and shows that by 2035 we can expect a 7.8 megatonne overshoot. This means that the additional emissions from Mod 8 (approximately 70,000 t CO₂-e) will already contribute to this excess.

Data from the Clean Energy Regulator shows that Boggabri's Scope 1 emissions have risen between 2017 and 2024, since the introduction of the Safeguard Mechanism.

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<https://www.soe.epa.nsw.gov.au/all-themes/climate/net-zero-plan-stage-1-2024#nsw-emission-projections>

Idemitsu said in July 2023² that its Scope 1 emissions would continue to increase and remain elevated.

Boggabri Coal Scope 1 emissions (t CO₂-e) - FY17 to FY24

	FY 17	FY18	FY19	FY20	FY21	FY22	FY23	FY24
Boggabri Coal	183,750	177,065	203,082	174,391	184,492	177,437	192,864	210,390

Data: Clean Energy Regulator, Safeguard facility covered emissions data

Boggabri's coal mining is not getting cleaner. With no diminution of emissions from the already-approved Boggabri Coal project, to sanction further increases is ridiculous.

Granting approvals to mine life to 2040 makes NSW vulnerable to future liabilities

Before Mod 8 was approved, Boggabri Coal already had permission to operate until 2033 - still 8 years away. It now has approval until 2036.

To be granting approvals for fossil fuel projects now that do not even begin until 2036 and would allow operations until 2040 leaves the NSW taxpayer open to what is sometimes known - sloppily - as "sovereign risk". If a government grants a company the right to operate for an agreed length of time, and then later wishes to withdraw its approval, the company may well take legal action to seek damages.

Our climate is rapidly warming, and we are facing tipping points that cannot be ignored. We are also accruing more information about, for example, the impact and underestimation of methane emissions from coal mining, and about our success or lack of it in reducing emissions in other areas. In NSW, we are still awaiting a revised Strategic Statement on Coal (note this is not a binding policy document) and the NSW Productivity Commission in a recent report in its Net Zero series has called for a firm date to end the export of thermal coal³.

In this changing situation, to ignore that a future government - or even this one - may decide that thermal coal production needs a more rapid phase out is frankly foolish. The NSW Planning Department should not hamper the right of future governments, on behalf of their citizens, to say No in the future to coalmining without incurring financial penalty. To allow this or any other company to bank an approval until 2040 is highly irresponsible.

² Table 21, Estimated GHG emissions, p 56, [Appendix E](#), Boggabri Coal mine Modification 10, Air Quality and Greenhouse Gas Assessment, 23 May 2025

³ <https://www.productivity.nsw.gov.au/ensuring-a-cost-effective-transition>

Referral of Boggabri Coal Mine Modification 10 for assessment under the EPBC Act

(Submission prepared by Elisabeth Dark on behalf of CCBR Committee 4 August 2024)

Recommendation

This project *should be declared a controlled action under the EPBC Act*. We strongly believe that DCCEEW should refuse approval of Boggabri Coal's expansion for the reasons we summarise below, especially the increased impacts on precious water resources.

Key points

Boggabri Coal's application (**EPBC ref 2024/09887**) admits this latest expansion will have a significant impact on threatened species (including swift parrots, koalas, and Corben's long-eared bat), but denies any further significant impact on water. We ask the government to examine the water impacts and reject this application.

In summary:

- The proponent is wrong in denying Mod 10's impacts on water.
- The proponent does not have a good record in managing water on its site.
- Endangered ecological communities are likely to be adversely affected.
- Extension of coal mining is incompatible with emissions reduction commitments.

Our more detailed explanation of these points follows.

The proponent is wrong in denying Mod 10's impacts on water

We are asked by the proponent to accept their unsupported assertion that the project will not have a significant impact on water resources. It is a glaring oversight that no updated surface water impact assessment has been provided with this referral. The region's farming communities are dependent on groundwater. We say that Mod 10 will have a significant impact on water resources, surface water, groundwater and groundwater dependent ecosystems, adding to impacts already felt from the Boggabri, Maules Creek and Tarrawonga mines. A full environmental impact statement must be provided. The Independent Expert Scientific Committee has already identified alteration of ecologically important flows for Mod 8. This is not mentioned in the documentation for Mod 10.

The proponent does not have a good record in managing water on its site

The extension to the mining area for this Modification will require further surface water diversions, but the proponent has already failed to install such diversions in the upper catchment of the mining area, resulting in the loss of clean surface water into the mine site. In the document provided with this referral, the proponent only commits to such diversions "where feasible."

We remind the Department that Boggabri Coal was fined in 2023 for illegally collecting surface water.⁴

Endangered ecological communities are likely to be adversely affected

Groundwater dependent woodland ecosystems like the Box Poplar endangered ecological community have been identified in the area covered by Mod 10. The intensification of impact

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<https://www.abc.net.au/news/2023-07-05/idemitsu-boggabri-coal-mine-water-licence-breach/102562394>

as a result of deeper mining has not been described in the referral documentation. Mod 10 extends the much deeper mining proposed by Mod 8 beyond the boundary of the existing approval, almost to the biodiversity corridor separating Boggabri and Maules Creek coal mines in what remains of the Leard forest and will involve the loss of a further 85 ha of native vegetation. The forest and the native fauna species it supports will suffer if mining extends to the corridor without an adequate buffer. This is not acceptable, given the huge amount of land already lost to the mines of that area and to land clearing elsewhere in NSW. Its cumulative impact will contribute to further extinctions of native flora and fauna – which the federal government has committed to end.

Extension of coal mining is incompatible with emissions reduction commitments

Approval of Mod 10 would enable the mining of a further 30 million tonnes of coal and extend mining at the site to 2040. The referral documentation provides no discussion about its consistency with Australia's legislated commitment to pursue efforts to prevent global warming over 1.5 degrees. Every extension of mining further into the future makes a just transition away from coal yet more difficult and costly.

Conclusion

Water is a precious resource. This Mod 10 proposal would require the government to ignore impacts on surface and groundwater that is relied on by both important farming communities and endangered native species. It would permit further loss of endangered ecological communities and is counter to our commitment to limit global warming.
