

31 January 2023

Dear Brittany,

Submission: Objection to Boggabri Coal Modification 10, *Increase to mine footprint and mine life*.

The Maules Creek Branch of the Country Women's Association of NSW objects to Objection to Boggabri Coal Modification 10, *Increase to mine footprint and mine life*, for the following reasons:

We see continuing community displacement, environmental and landscape decline. Over the last two decades, the continued expansion of coal mining and land ownership by mining interests in the Boggabri and Maules Creek areas is sterilising expertise in food production, food security and economic stability.

Reject MOD 10 as this mine expansion is not compatible with our environment or the Australian and State government's whose focus and investment must shift to managing a drying, warming state, country and planet. Our society and economy should be absolutely focussed on preserving a safe climate as this underpins the impetus of protecting lives and livelihoods. This attempt by Boggabri Coal, to horde a coal expansion approval and bank emissions beyond 2045 is outside the need of our region and state. The social cost and the opportunity cost of prolonging mining is huge.

Social Impacts:

The Social Impact Assessment (SIA) prepared for Boggabri Coal Mine Modification 10 (MOD 10) promotes MOD 10 as a positive social impact. It is out of touch and fundamentally flawed.

Mod 10 as part of an ongoing expansion program (see ML586), will further increase global warming and support a 4 degree warming scenario. This will make the Narrabri and Gunnedah shires unliveable. The effects of global warming are increasingly evident in our region. According to the NSW Government's own climate projections, average temperatures in New South Wales have risen by 0.84°C since 1910. Under a high emissions scenario, our regional temperatures are projected to increase by up to 4.0°C by 2090. Such significant warming poses severe risks to our agricultural production, water availability and the overall community resilience.
<https://www.climatechange.environment.nsw.gov.au/projections-map>

Yet the Mod 10 SIA offers a narrow, compliance-driven perspective that fails to reflect the lived realities and future temperature projections of north-west NSW communities. We note that the community engagement was minimal and superficial. The SIA manages to reduce our complex social and cultural landscapes to economic metrics. It ignores the deep ties communities have with land, water, and a healthy ecological environment, especially under the mounting pressures of climate change.

In our region the NSW data showed that the dominant industry is farming, food production industries incompatible with such temperature rises. In a warming world, investment in continuing coal mining is not just wasted but detrimental to survival.

For our region and NSW's resident's perspective, the SIA fails to integrate the climate crisis as a core social factor, excluding its well-documented impacts on health, water security, mental wellbeing, and intergenerational equity. Further, First Nation's perspectives are minimised, and the concerns of young people, who face growing uncertainty in a changing economy are not discussed. Approving MOD 10 based on such a limited assessment would deepen environmental harm and social inequality. This will undermine the region's long-term resilience. This is unacceptable and is against the state's climate plan.

Emissions:

We object to Boggabri Coal increasing greenhouse gas emissions. In 2025, expanding coal mining is against NSW greenhouse gas reduction plan, it is excessive, negligent, and unjust of Boggabri Coal. NSW's State emissions will increase from the Boggabri Coal Mine expansion and MOD 10.

Recommend: That these emissions be avoided through a rejection of MOD 10.

Boggabri Coal mine MOD 8, approved in January 2024 by NSW DPHI, allows an extra 790,000 tonnes of Scope 1 emissions between 2033 - 2036. At the time of approval, the Department relied on outdated Net Zero Emissions Modelling which assumed emissions were within NSW's climate targets. Updated NSW Net Zero Emissions Modelling (April 2024) shows Boggabri MOD 8 contributes ~70,000 tonnes CO₂-e to a 7.8 million tonne overshoot of NSW's 2035 emissions target.

Boggabri will not be reducing its emissions by mining new coal. If MOD 10 is approved, Boggabri's contribution to the State's overshoot in 2035 would triple to ~210,000 tonnes CO₂-e. Boggabri's Scope 1 emissions have increased over time, hitting a record 210,390 tonnes in FY24, the highest since the Safeguard Mechanism began in FY17. No emissions reductions are forecast by Idemitsu Boggabri Coal between now and 2040. Boggabri Coal emissions are expected to remain elevated for at least 15 years. Mod 10 proposes extending mining by 4 years to 2040, using existing high-emission methods with no improvements in emissions intensity. According to NSW EPA guidance, new high-emitting proposals must align with NSW's net zero emissions pathway. MOD 10 fails this test and must be rejected.

Fugitive methane emissions are a significant safe climate risk coming from open-cut coal mining. Studies are showing that they are likely underreported and not sufficiently accounted for. The cumulative emissions burden from the Leard Forest mining precinct (Boggabri, Maules Creek, Tarrawonga) further compounds the state's emissions problem and avoiding an increase requires a rejection of this MOD 10.

Mod 10's approval would undermine NSW's legislated 2030 and 2035 climate targets and the objectives of the *Climate Change (Net Zero Future) Act 2023*. The decisionmaker must invoke the precautionary principle to its fullest extent and uphold intergenerational equity.

Recommend: That the Department not accept mitigation strategies that are unproven, and which delay specific greenhouse gas management until post-approval (via updated management plans). An approval would fail the precautionary principle test and create climate related heat and health problem onto communities and the environment.

We are concern about the disconnect between approvals and the government's goal to stop increasing emissions. At the same time, BCOPL is increasing its emissions and entering an enforceable undertaking for water theft, the Resources Department is drawing up and granting Boggabri Coal a new mining lease approvals for 21 years down to 900 metres close to or overlapping the biodiversity corridor and the Mod 8 approval.

Boggabri Coal's on the ground behaviour (see [BCOPL's consultation](#)) and mining approvals continues using the creeping approval model.

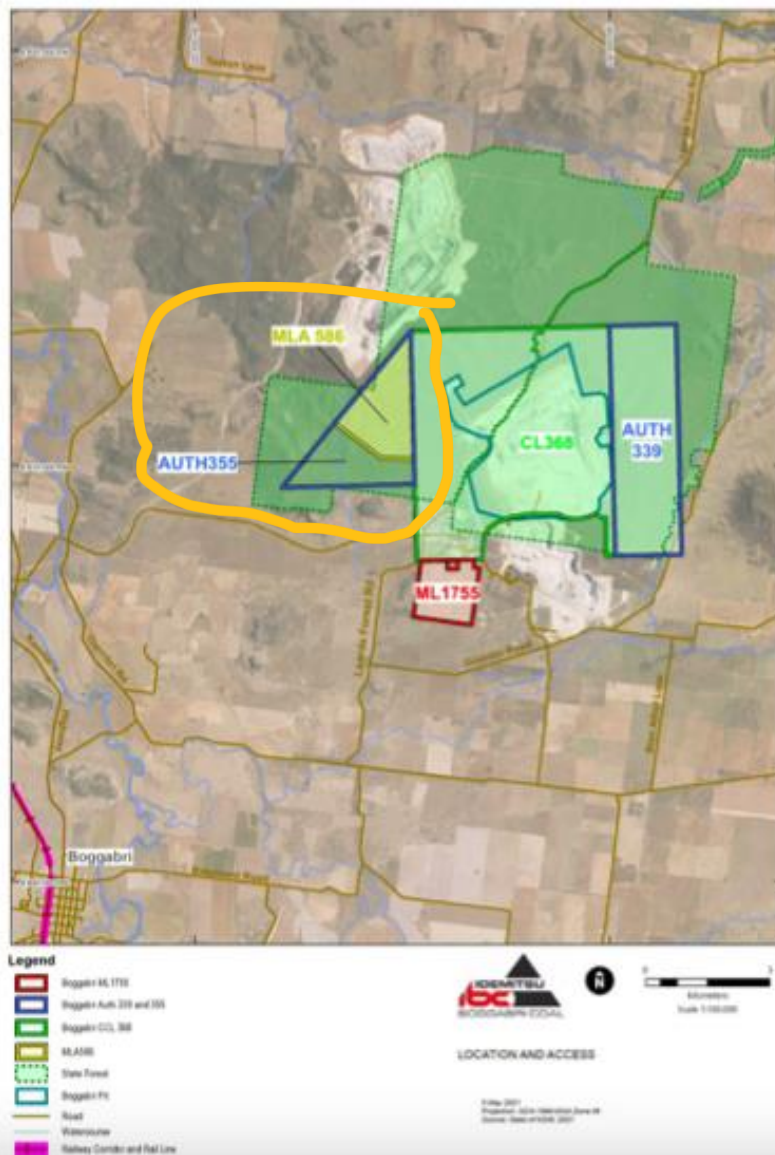
"... as delegate for the Minister administering the Mining Act 1992 for the State of New South Wales, pursuant to section 63 of the Mining Act 1992, have determined to grant a Mining Lease in satisfaction of Mining Lease Application 586 (Act 1992), as described in Schedule 1, to Boggabri Coal Pty Limited, ACN 122 087 398, Chugoku Electric Power Australia Resources Pty. Ltd., ACN 600 294 068 and NS Boggabri Pty Limited, ACN 113 447 313, subject to the conditions:"

We note that despite environmental certainty around the link between coal mining and global warming, approvals for new coal lease to underpin expansion e.g. for MLA 586 (Act 1992) – Mining Lease 1883 (Act 1992) continue for mining into 2045.

"The lease area includes all land described in the attached lease plan titled [M27651](#) and approved on 18 July 2024."

Down to 900 metres for 21 years until September 2045,

"Embraces the surface and soil below thereof to a depth of 900 metres below Australian Height Datum (AHD).."



Recommend: That MOD 10 should not be approved if NSW is serious about meeting its legislated climate commitments and protecting communities from global warming.

Water:

It is clear from MOD 10 that the groundwater and surface water risks are underestimated. From the MOD 10 assessment, the groundwater modelling predicts drawdown of up to 5 metres in the Namoi Alluvium and 2 metres in baseflow to the Namoi River. Yet the Department relies on proponent-modified modelling with assumptions based on conceptual rather than verified data. The region's water management is obsolete and outdated. A water management plan dated May 2017 (Revision 6) is said to be fine for 2025 while the water issues to be accommodated

are increasing despite many flaws that have been and continue to be raised by the community, NSW Planning compliance, the Resource Regulator, independent auditors, NRAR, conceded by Idemitsu coal, the IESC, and cautious words in the federal approvals.

For example, in the 'Annual Review 2021' (May 2022); it states, *"Rev 8 was submitted in 2019 and BCOPL is in consultation with NRAR,"* it is clear the government though being pre-warned has unwisely and knowingly ignored the amateurish way in which the water has been managed. Also in the Review, the authors state *"The implementation of the currently approved SWMP is non-compliant as the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated."* This is one of many admissions of the mine failing to manage water by their own guidelines and despite further stating that *"Annual Review 2023- BCOPL will include the recommendations of the 2020 IEA in the next version of the Surface Water Management Plan to be submitted within 3 months of MOD 8 approval by the DPE."* and *"The Groundwater Management Plan will be updated and sent for approval within 3 months of MOD 8 approval. It will reflect the latest variation of EPL 12407 and monitoring regime that is being undertaken on site,"* the project is still relying on outdated and unreliable Water Management plans from 2017. These plans were developed prior to MOD 8 and thus fail to account for the increased depth of mining and the expanded mining footprint.

We note that the Annual Review 2024 is not available, but that at the recent May 2025 CCC meeting, members were told that there were problems with the groundwater modelling and this was cause for delaying the exhibition.

Our concerns for the reliance on outdated plans are grave and this directly violates the departments own requirements for the mine to have had an approvable WMP, three months following the approval of MOD 8. This is documented in the Independent Environmental Audit (2023) as a non-compliance remedy. Further TWO years earlier, in 2021 the Independent Expert Scientific committee raised [concerns](#) that MOD 8 will contribute to cumulative groundwater drawdown listing the following:

"Surface and Groundwater Impacts

1. Cumulative drawdown likely in Nagero, Bollol, and Goonbri Creeks.
2. Altered surface water flows and reduced baseflows in ephemeral creeks.
3. Increased low- and zero-flow days, affecting ecological health.
4. Reduced groundwater availability, impacting groundwater-dependent ecosystems (GDEs).
5. Potential contamination of Nagero Creek from sediment-laden and mine-affected water.
6. Long-term recharge changes to alluvial aquifers could affect stygofauna and vegetation.

Water Quality Risks

1. Current monitoring lacks data on metals/metalloids (e.g. arsenic, lead, zinc).
2. Sediment dams may release contaminated sediments during overflows.

3. Insufficient water quality data for effective baseline comparison and reuse of mine affected water.

Ecological Risks

1. Potential impacts on Threatened Ecological Communities:
 - a. *Poplar Box Grassy Woodland* (unverified, endangered).
 - b. *Blakely's Red Gum – Yellow Box woodland* (critically endangered).
2. Possible effects on Koala habitat and other species like the Squirrel Glider.
3. Groundwater drawdown may affect riparian vegetation, including threatened trees.
4. Potential disruption of wildlife corridors and habitat connectivity.

Monitoring & Modelling Issues

1. Groundwater model (MODFLOW-USG) is outdated and under revision.
2. Current model:
 - a. Lacks cumulative impact data from nearby mines (e.g. Vickery, Tarrawonga).
 - b. Ignores localised geological faults.
 - c. Needs better understanding of surface water-groundwater interactions.
3. Surface water modelling does not factor in climate change, making future predictions unreliable.”

Moreover, numerous information gaps were identified by the IESC, effectively urging Boggabri Coal to slow down and do the science. The IESC noted that there was insufficient data on:

1. Flow regimes and baseflows in creeks.
2. Groundwater use by vegetation (requires field measurement).
3. Aquatic biota and stygofauna diversity.
4. Sediment quality in creeks.

Due to these caveats, we have limited to zero confidence in this project or MOD 8. This mistrust is compounded by the alleged unlawful activity of Boggabri coal during the time the IESC was assessing MOD 8 as noted by NRAR:

“Boggabri Coal Operations Pty Ltd (BCOPL) operates the Boggabri Coal Mine about 15km north-east of Boggabri in the Gunnedah Basin of NSW. In September 2021, after receiving a complaint, NRAR became concerned that the company had allegedly unlawfully impounded surface water within the mine site from 2019 to 2020.

The water came from the Bluevale Water Source - an unregulated water source within Namoi Water Sharing Plan region. On 16 December 2021, during an inspection of the mine site by NRAR investigators, evidence was collected to show that the company had allegedly been capturing surface water in temporary and permanent storages.

BCOPL held groundwater licences, a surface water licence for some of its surface water take and were exempt from needing a licence for another portion of its surface water take because harvestable rights applied. However, it did require a surface

water access licence to take water from an unregulated water source to collect water as it moved across the site.

The alleged offence

The mine operators allegedly took surface water for which it did not hold a licence and collected it in temporary and permanent storages between early 2019 and April 2022. This would constitute a breach of section 60A(2) of the Water Management Act 2000.

The undertaking

NRAR entered into an enforceable undertaking with Boggabri Coal Operations Pty Ltd on June 15, 2023. The company acknowledged the alleged contravention and undertakes to carry out the commitments and preventative measures set out in this undertaking.”

Recommend: That the Department adopt the precautionary principle approach to our local landscape especially in light of the IESC review and advice.

To summarise, the MOD 8 project was split up and the extensive concerns over inadequate diversion of Nagero and Goonbri Creeks and connectivity to water-dependent ecosystems (GDEs) were downplayed and rather than BCOPL taking responsibility. Now Mod 8 has been approved, these water issues have been continued and compounded by the MOD 10 expansion. This is acknowledged by the Department in the MOD 8 Approval Report. MOD 10 has created another opportunity to delay responsibility.

Recommend: that the precautionary principle be upheld and the Department not accepts water models with *high levels of uncertainty*, especially in a climate-vulnerable, water-stressed region.

BCOPL does not hold sufficient water licences to support the proposed expansion and has a documented history of unauthorised water use despite a Modification (Mod 5) approval for a bore field in 2015 just two years after its expansion approval.

The MOD 10 proposal fails to meet legal and environmental standards, including the Aquifer Interference Policy and cumulative impact assessment guidelines. Boggabri Coal lacks sufficient, appropriate water licences and has a record of non-compliance. For example,

2020: NRAR Investigation and Breach Confirmation

- The Natural Resources Access Regulator (NRAR) investigates and confirms unauthorised water take by Boggabri Coal.
- Regulatory breaches involve:
 - Exceeding water entitlement limits.
 - Use of water outside the approved purpose of the licence.
 - Non-compliance with metering and reporting requirements.

2020–2023: Enforceable Undertaking (EU) Issued

- Boggabri Coal entered an Enforceable Undertaking (EU) with NRAR to:
 - Address illegal water use.
 - Implement improved metering and compliance systems.
 - Rebuild trust in their water management practices.

Despite this, the mine's projected water demands continue to exceed lawful access.

Boggabri MOD 10 proposes to intercept a significant amount of overland surface water and a significant amount of in-pit flow, draw down a significant amount of groundwater and create depressurisation on groundwater sources. Much of this is without owning enough water licences to cover usage and with a blatant disregard for other water users, neighbours, groundwater dependent ecosystems and downstream communities in the Murray-Darling Basin, not to mention future generations of locals living in this dry climate.

The interception of large quantities of overland flow by the massive footprint of the three mines (Boggabri, Tarrawonga and Maules Creek), combined with the use of large quantities of Namoi Alluvium Zone 4 high quality irrigation water will be felt most keenly in the Nagero Creek alluvium. The Groundwater Assessment says, "within the Upper Namoi Zone 4, an alluvial tongue extends along the length of Nagero Creek, providing a potential connection between mining and the alluvial aquifer". The footprint of Boggabri Coal mine follows almost identically the footprint of the catchment of Nagero Creek, ultimately wiping out this water source (Bluevale Unregulated water source) and halting the recharge to the alluvium of Zone 4. There will be a cumulative drawdown in the Nagero Creek alluvium that breaches the Aquifer Interference Policy (AIP) and will be up to 5.1 meters of draw.

The Department has cumulative impact assessment guidelines, and these must be utilised in the assessment of MOD 10 as a matter of urgency and this project should be rejected based on its cumulative water impacts.

Boggabri Coal owns no high security water licences for the Namoi River and are stretching the rules of their current licencing. WAL2571 and WAL 2595 collectively represent 294 share units of general security water in the Lower Namoi Regulated River. The current available water determination for the Lower Namoi is 0.278ML per unit for general security licences, which means these licences entitle Boggabri Coal to 81.732ML of water. These licences have frequently had Available Water Determinations of zero allocation since Boggabri mine began operating.

Furthermore, the water use approval for WAL2571 is for irrigation, not mining and the licence condition specifies that water is only to be taken in accordance with the water supply work and its conditions, which require metering. WAL2596 and WAL2572 are for supplementary water, which can only be accessed when declared available by the Minister.

Predicted water take from Zone 11 of the Namoi River alluvial water source (Maules Creek water source) is anticipated to exceed the existing entitlements held by Boggabri Coal and the water licences for Zone 11 are very tightly held by Whitehaven and Boggabri Coal with very few licences able to be purchased without further impacting agriculture. The project conditions are very clear that they must have the water entitlements they need to cover their water use and quite simply, this MOD does not.

Ultimately the mine will need a maximum of 2,040ML per year to maintain the operation's dust control measures and this exceeds its water licences by 690ML per year. The Modification should be rejected on this basis.

2024 Licence Shortfalls Become More Apparent

- With an AWD of 0.278 ML/unit, Boggabri's combined licences provide just 81.732 ML/year—far short of its needs.
- Mod 10 indicates a required water volume of 2,040 ML/year, primarily for dust suppression—a shortfall of 690 ML/year.
- Zone 11 entitlements (Maules Creek water source) are tightly held by existing mining interests and are unavailable for new allocation without further harm to agricultural users.

2025: MOD 10 Proposal Submitted

- Despite a new bore field, a history of non-compliance and a continuing lack of water security, Boggabri Coal submits MOD 10.
- The Groundwater Assessment confirms:
 - Clear hydraulic connectivity between mine operations and alluvial groundwater systems.
 - Long-term depressurisation and reduction in recharge to key aquifers, including the Namoi Zone 4 and Zone 11 sources.

We see that the Department's Cumulative Impact Assessment Guidelines are not adequately addressed, despite clear cumulative impacts from existing and proposed operations.

This timeline of regulatory breaches, licence inadequacies, and escalating water use demonstrates a clear pattern of non-compliance and environmental risk. The Boggabri MOD 10 proposal should be rejected as:

- The proponent does not hold sufficient water licences to legally support the proposed water usage.
- Historical unauthorised water take was confirmed by NRAR, resulting in an Enforceable Undertaking (2020 - 2023).
- Projected groundwater drawdown exceeds thresholds under the Aquifer Interference Policy (AIP).
- The mine's footprint directly overlaps Nagero Creek catchment, threatening aquifer recharge and long-term water sustainability.
- The proposal fails to meet the Department's cumulative impact assessment requirements.
- Approval of this modification would set a dangerous precedent, undermining water law, environmental protections, and community trust.

We respectfully urge the Department and relevant authorities to reject MOD 10.

Cumulative Impacts and Climate Science Not Properly Integrated

The IPCC findings, NSW Treasury modelling, and NSW IPC's own Hume Coal decision, are examples of places where GHG emissions were considered unjustifiable.

We recommend: That the Department applies updated climate science, legal precedents (e.g., *Sharma v Environment Minister*), and intergenerational equity application to Mod 10 decision making.

Biodiversity and Rehabilitation Plans Lack Certainty.

Biodiversity loss in the Leard State Forest is minimised via offsetting strategies. However, offsets do not replace ecosystem services. Further, long-term rehabilitation (including burying OTR tyres) is allowed without enforceable final landform or water quality outcomes. This is inconsistent with a precautionary approach, especially for irreversible impacts like loss of habitat or groundwater contamination.

Mod 10 will result in further clearing of critically important habitat within the Leard State Forest, significantly impacting biodiversity and threatening the survival of several endangered species. The proposal includes the removal of an additional 85 hectares of native vegetation, adding to the approximately 3,800 hectares already cleared by the Boggabri, Tarrawonga, and Maules Creek mines.

This additional loss will affect at least two threatened plant species and over 15 threatened fauna species, including Koalas, woodland birds, microbats, and the critically endangered Regent Honeyeater and Swift Parrot. Notably, the Swift Parrot, which relies on the forest for foraging and has been recorded in the area multiple times (2012, 2014, 2022, and 2023), has been omitted from the MOD 10 assessment despite its national significance.

While MOD 10 does not propose to directly clear the 3.5-kilometre wildlife corridor between the Maules Creek and Boggabri mines, it does include mining activities and blasting directly adjacent to it. This will degrade the corridor's ecological function, exposing it to weeds, predators, and disturbance from dust, noise, and vibration, effectively severing a vital east-west habitat link. These impacts pose a serious and irreversible threat to biodiversity in the region and are inconsistent with state and federal conservation objectives

In terms of MOD 8, the Department acknowledged risk in several areas, but its decision-making did not reflect a strong application of the precautionary principle. Instead, it accepts high uncertainty around emissions and water impacts, s key mitigation plans until after approval and minimises long-term cumulative and climate-related harms.

We believe the impacts from the Department not taking the precautionary principle seriously enough in its assessment of MOD 8 will simply follow through to MOD 10 and allow an exacerbation of impacts. The precautionary principle must be implemented for MOD 10 decision to its fullest extent, not simply a consideration.

Reject this project as there are no stronger safeguards since MOD 8. Boggabri shows a lack of rigorous upfront mitigation, and a weak stance on uncertainty. By allowing this to be acceptable, all it appears to have done is assisted the original MOD 8 application to be fully achieved in this two-stage process for an approval of environmentally disastrous new coal: 61 million tonnes of coal. Mining for 2040 and then beyond using a mere Modification process resulting in a new hole, new coal; something that will happen in 11 years.

Environmental Degradation:

Dust, noise pollution, and water scarcity relating to extraction are all evident now and under current approvals are challenging. Our members confront daily environmental challenges, including pervasive dust and noise pollution, which were anticipated during the 2012 approval of the Boggabri coal mine expansion (09_0182). Despite these forewarnings, the expansion proceeded, and now the mine seeks to further exacerbate the situation by developing a new mine hole and clearing an 85-ha biodiversity hot spot via a Modification and seeking additional water licenses for aquifer and surface water extraction.

These actions threaten the integrity of our local ecosystems and the sustainability of our water resources.

In the Resource Regulator Rehabilitation Plan 2023 it is clear that the void must be filled in as it was and still is the solution.

“Further work is proposed to be undertaken as part of the Final Void and Mine Closure Plan. This Plan is required to be prepared by the end of December 2025 in accordance with conditions of SSD 09_0182. The Plan is to investigate future stability of the landforms, long term groundwater recovery and void characteristics. The Plan will be required to demonstrate that the long term landform will not generate a pit lake, the emplaced spoil has the capacity to drain to the natural environment and drained water will not adversely affect the downstream environment.”

It was noted that performance issues are caused by the sheer difficulty and large knowledge gaps that exists in rehabilitating the forest. After 20 years of blasting and mining the forest the realisation of how to fill in the hole and not leave a void is still under investigation. Mod 10 must be rejected.

Requirement to fully infill the void required.

Boggabri Coal Mine was originally approved in 1989, but did not commence operations until 2006. The current project The Boggabri Coal Mine Expansion Project has allowed a continuation and expansion of the mining operations on site for 21 years and now until 2036 (Mod 8). The initial expansion would include an increased production capacity – to 7 million tonnes a year; and extension of the mine disturbance area – to 1,835 ha and then by MOD 8 2047 ha and potentially MOD 10 to 2,132 ha at minimum.

The Planning Assessment Commission Review Report (2012) noted in making the Determination that two important things must flow from the independent PAC process,

“a critical component in considering the determination of this project... The Commission considers that two things flow from this:

- 1. there is an increased responsibility on the Commission to examine very carefully the potential impacts of the project and the appropriateness of proposed strategies to avoid, mitigate or manage them; and*
- 2. any proposed departures from the Review recommendations should be treated with caution and subjected to rigorous analysis.”*

The Commission's wisdom set it apart from the Department of Planning as noted in the [Determination](#). [A key recommendation was that the](#)

- *long term landform must not generate a pit (void) lake*

And later as at footnote 3

Note: that the buffer also has a function in relation to long-term management of the groundwater between the Boggabri Coal project pit and the Maules Creek Coal project pit (which is much deeper). Any proposed movement of the buffer would need to take this into account.

The term 'buffer' refers to the 500m vegetated buffer corridor be maintained between the Boggabri Coal and Maules Creek Coal projects.

"Long term landform must not generate a pit (void) lake,"; The final landform proposed under Boggabri MOD 10—featuring a *partially infilled final void*—is environmentally unsound, hydrologically damaging, and inconsistent with international best practice and past planning obligations.

We recommend that no final void be left. Allowing a permanent hydrological disruption in the upper Namoi system undermines catchment-scale resilience and water to local and downstream users, including agriculture, towns, and First Nations communities.

We see this as against the independent Planning Assessment Commission (PAC) 2012 Conditions, recommendations must be key to this Modification. The 2012 PAC approval for Boggabri Coal did not support a final void or even a partially infilled void as the preferred landform outcome. The Commission expressed clear preference for fully backfilling and landform rehabilitation that would avoid long-term void retention, noting that the final void would be visually intrusive, hydrologically risky and environmentally unsustainable.

Yet, the MOD 10 proposal explicitly extends the void further north, enlarges its catchment and continues to rely on evaporation and infiltration to remove water; precisely the scenario the PAC indicated as unacceptable over a decade ago. This final void, partially infilled is in breach of the intent and principles of the PAC's 2012 approval and should be rejected and a requirement for rehabilitation and remediation, no void, no contamination be required as part of the rehabilitation including appropriate treatment of waste, post mining.

International best practices for mine rehabilitation globally are shifting away from final voids due to their long-term water contamination risks, disruption of natural geomorphology and incompatibility with post-mining land use. We demand that like best international practice, for example in Germany and Canada, NSW should implement leading practice starting today with Boggabri Coal. Reclaim the PAC decision. Boggabri Coal considers itself a leader, but the Departmental process is robbing it of its agreement to mine in 2012 to lead. Boggabri Coal must take responsibility and fully backfill the mine, repair the land and rehabilitate in alignment with climate adaption for long term ecological and land use goals especially in the forest, agricultural and hydrologically connected and sensitive water zones.

NSW is known as an outlier, continuing to permit final voids under the rationale of cost, rather than environmental feasibility. The Department must remove this environmental and social impact from the community and region. MOD 10's reliance on final void retention is outdated, fails to align with global rehabilitation trends, and should not be accepted as "best practice."

It is irresponsible to enable justifying final void on grounds of cost especially when Boggabri Coal signed an approval in 2012 and agreed to NOT leave a final void. The refusal to fully infill the final void is reportedly based on the economic burden to the proponent. However, allowing irreversible hydrological disruption and degraded post-mining landscapes due to company cost-cutting is irresponsible behaviour, economically short-sighted and unjust, as it shifts environmental repair and water insecurity to future generations.

We understand that under NSW environmental law and sustainable development principles (including the precautionary principle), environmental harm must be avoided, not merely *managed* or *mitigated when convenient*. We urge the government to stop enabling the rejection of final void infill on cost grounds. This fails the precautionary principle and creates an unjust legacy for rural communities, First Nations custodians, biodiversity and future land users.

Mod 10 should be rejected in its current form due to the unsustainable proposal for a final void. A revised landform must be required that: fully infills the mining pit to re-establish natural topography, restores surface and sub-surface hydrological function, and aligns with both PAC 2012 conditions and international rehabilitation standards. The Namoi Catchment, as part of the Murray-Darling Basin, cannot afford further permanent degradation through negligent mine closure design. To approve this void is to place short-term corporate cost savings over centuries of environmental function and community resilience.

Tyres

Tyre recovery must be the focus not an expansion of tyre burials. The 2023 Independent Audit reported that the Environmental Protection Authority (EPA) had found that Boggabri Coal had committed a land pollution offence under Clause 109, Protection of the Environment Operations (General) regulation 2009, and breached the Environmental Pollution Licence (EPL).

One official caution letter was issued during the independent audit period: "An Official Caution letter was issued by the NSW EPA on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020. In the caution, the EPA stated that they had reasonable grounds that BCOPL had committed a land pollution offence under Clause 109, Protection of Environment Operations (General) Regulation 2009. BCOPL's Environmental Protection Licence did not at the time of the offence regulate or include conditions relating to the burial of end-of-life haul truck tyres. The EPL was varied on 5 October 2021 to permit the burying of tyres within overburden emplacement areas."

The current [Boggabri Coal Environmental Protection Licence conditions](#) allow for in pit burial. Apart from the pit floor, burial is allowed with some conditions but primarily

where “practicable.” This language is very open. This burial approval had a time limit, it must be removed from the Conditions to protect from the inevitable breakdown of the tyres and leachate of toxins. The Leard State Forest is not the Hunter Valley, and agreements or conditions implicitly allowed in other places are not appropriate for this “undeveloped mining area” as explicitly noted by the PAC/Independent Planning Commissioners.

Genuine climate action means not approving any new greenhouse gas emission creating projects. Rejecting this application is prudent considering the global consensus on the urgent need to reduce fossil fuel dependence. We ask the NSW Department of Planning and Environment to prioritize authentic climate action. This includes:

- Implementing effective policies that stop further fossil fuel developments.
- Ensuring that all future planning decisions reflect binding, measurable actions to reducing greenhouse gas emissions and protecting vulnerable communities and environments.
- Prioritizing the health and sustainability of rural communities as we transition towards renewable energy sources.

Boggabri MOD 10 has failed the state by pursuing new coal to horde or bank an approval (and emissions) when Australia and NSW have joined the global consensus that the world has no room for new coal.

This project by BCOPL’s creates a waste of the transition-out-of-coal time for our State and region’s environment, community and economy. BCPL’s drawdown efforts are not successful, and MOD 10 must be rejected. Boggabri Coal’s application has failed to assess the benefits of its transition out of coal for our region. Asserting that leaving coal in the ground is sterilising coal is an opinion and not an justification for mining.

Boggabri Coal is failing to curb its Scope 1 emissions. Boggabri Coal (BCOPL) self-reported in the Modification 8 assessment project that Scope 1 emissions would rise to 740,000 kt and 810,000 kt in the coming years. This represents a substantial increase compared to the 2020 reported figures (Boggabri Coal Mine 2020 Annual Review, the reported Scope 1 emissions were 174,391 kilo tonnes (kt). This project is not useful or fit for our region’s contribution to drawing down emissions.

MOD 10 should be rejected to protect a safe climate and uphold sustainable development principles. Intergenerational Equity requires safeguarding the rights of future generations. NSW environmental law—under the [Protection of the Environment Administration Act 1991 \(NSW\)](#)—explicitly includes intergenerational equity as a guiding principle. This requires current decision-makers to:

“...ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.”

Mod 10 fails this test. By extracting an additional 33 Mt of coal and locking in emissions beyond 2030, it imposes irreversible environmental costs on future generations, who will bear the economic, health, and ecological consequences of escalating climate disruption.

Benefit of deferral: Leaving coal in the ground preserves environmental capital for when it may be more urgently needed, such as during energy crises or under stricter carbon management frameworks. It prioritizes long-term climate stability over short-term profit. The precautionary principle determines the kind of action required in the face of scientific uncertainty. The precautionary principle, we recognise is embedded in NSW law and requires that:

"Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation."

Given we know that methane emissions are underreported (Open Methane findings), fugitive emissions are rising, not falling and climate targets are at risk of being missed; approving MOD 10 despite scientific uncertainty around the full emissions impact and undercounted climate costs directly violates this principle. The fact that "no material additional impacts," are identified in MOD 10's environmental assessment is insufficient considering current evidence of systemic underreporting and cumulative impacts from other projects.

Benefit of deferral: Applying the precautionary principle now avoids locking in irreversible damage and allows time for better emissions monitoring, methane accounting, and a comprehensive review by the Net Zero Commission. Ecologically Sustainable Development (ESD) Requires Integrating Environmental and Economic Considerations.

While MOD 10 claims net social benefits (\$276M NSW present value), these figures: grossly undervalue the social cost of carbon (estimated at just \$0.1M), do not account for the climate adaptation costs NSW will incur (floods, droughts, heatwaves), assume that market conditions and coal demand remain favourable, contrary to the International Energy Agency (IEA) projections, which call for global coal demand to fall 43% by 2030. Australia's current Climate Action is [insufficient](#) for a 1.5 degree world and set up for a 3 degrees plus global warming world according to Climate Action Tracker.

Benefit of deferral: Aligns development decisions with NSW's 2030 and 2050 climate commitments and allows future reassessment considering energy transition progress and improved climate modelling. Makes sense.

The fate of this modification is an opportunity, to shift NSW toward a post-coal economy. Approving MOD 10 would represent a lost chance to signal that NSW is shifting to a post-coal economic model. Approving new coal production contradicts both the NSW Climate Change Policy Framework, which aims for net zero by 2050, and it also contradicts public expectations for consistent, credible climate action.

Benefit of deferral: For the government, it builds social license and policy coherence by demonstrating that NSW will not approve fossil fuel projects incompatible with its own emissions trajectory. For the communities it enables certainty and the ability to organise their lives, whether it is transitioning to rural industries or for the farming community to have access to water and improved environmental quality and to

rebuild and become cohesive as a functioning farming region. For the company, it can plan for rehabilitation and an orderly closure.

Having a safe climate is a precondition for economic and social stability.

The economic benefits cited for MOD 10 are short-lived compared to the long-term risks of a destabilized climate, including infrastructure damage from extreme weather, declining agricultural productivity, public health burdens from pollution and heat stress.

Benefit of deferral: Re-orient economic development toward sectors that enhance resilience, diversify local economies, and reduce dependency on coal royalties.

Sustainable Development Principles support rejection or a deferral until closer to 2035 for this project. MOD 10 should be rejected in accordance with NSW's legal obligations under sustainable development, and in the public interest of maintaining a liveable climate. A pause allows time for accurate methane quantification, independent review by the Net Zero Commission and an alignment with IEA scenarios and global climate goals.

This is not anti-development, it is responsible, future-focused decision-making. Leaving the coal in the ground for now is a strategic climate investment in the wellbeing of all generations.

Conclusion

Our community stands at a crossroads. We can continue down a path that prioritizes short-term economic gains at the expense of our environment and current and future generations, or we can choose a sustainable path that preserves our land, water, and way of life. We urge the NSW Government to act decisively and responsibly, placing the welfare of our communities and the health of our environment at the forefront of all planning and development decisions.

The Department cannot claim to uphold intergenerational equity while approving a project that contributes to biodiversity loss, water insecurity, and global warming. These impacts are not abstract—they directly undermine the rights and wellbeing of future generations.

The Department must go beyond box-ticking and apply the law with integrity. That means rejecting MOD 10 to uphold the clear obligation under the *Protection of the Environment Administration Act* to 'maintain or enhance the environment for the benefit of future generations.

We examined further information on regional climate projections and adaptation strategies, from the NSW Climate Data Portal and the NSW Climate Change Adaptation Action Plan 2025-2029 climatechange.environment.nsw.gov.au. It is clear that rather than approval, the government must reject this project as it misaligns with the government's own greenhouse gas drawdown requirements. Reject this project that will not commence for 11 years. This rushed modification by Boggabri Coal attempting to horde more approvals shifts carbon abatement onto other sectors and makes it extremely risky for the community to have safe climate future. We ask you to employ the intent of the precautionary principle and not approve this climate bomb.

We are calling for

1. A rejection of MOD 10.
2. A full and transparent application of the precautionary principle in the assessment of MOD 10, especially in areas of water drawdown, GHG emissions, and biodiversity loss.
3. Genuinely independent analysis of climate, water, and ecological risks—not reliant solely on proponent-provided modelling.
4. Meaningful engagement with regional communities, including support for workforce transition planning and local services such as the equivalent of a careers advisors for workers who need re-education or re-employment.
5. A clear policy stance that fossil fuel extensions must demonstrate alignment with NSW's climate targets and public interest, not just project-level compliance.
6. Leave the coal in the ground for when it might more urgently be needed in 100s- 1000s of years' time; in the public interest.

Thank you for the opportunity to make a submission.

Regards

Maules Creek Branch of the Country Women's Association of NSW