

27 December 2026

**Submission in Response to Modification Report – Application no. MP08_0184-
Mod-6 - Modification 6 – Ulan underground mining extension**

BirdLife Southern New South Wales (BLSNSW) is a branch of BirdLife Australia, an independent not for profit research and advocacy organisation committed to the protection of native Australian birds and their habitats. BirdLife Australia is affiliated with BirdLife International which is the world's largest nature conservation partnership with over 13 million supporters. BirdLife Australia itself has over 200,000 active supporters nationally.

Summary

BLSNSW opposes the proposal to extend the Ulan Coal Complex (UCC) because of the threat it poses to critically endangered species and because the extended operation of the mine will bring no net benefits to Australians or their environment.

The impact of the proposed mine extension

The proposed modification will extend the life of the approved UCC operation by approximately two years, allowing mining to continue until August 2035 to extract an additional 25 million tonnes of coal. Notwithstanding that the proposal implies extending underground operations, the intention under the latest application is to gain approval to clear another 15.2 hectares of native vegetation to install additional surface infrastructure including ventilation, power and dewatering facilities as well as access roads.

Impact of clearing native vegetation

The ecological studies the proponent conducted have confirmed that breeding habitat suitable for the Critically Endangered Regent Honeyeater exists across the affected land and concluded that the proposal will result in ecosystem habitat loss for 22 threatened fauna species including the Powerful Owl, Masked Owl, Black-breasted Buzzard, Little Eagle, South-eastern Glossy Black Cockatoo, Square-tailed Kite, Swift Parrot, Grey-crowned Babbler, Painted Honeyeater, Speckled Warbler, Gang-gang Cockatoo and a range of mammals and reptiles.

The Regent Honeyeater is listed as Critically Endangered at both state and federal level, with as few as 350 individuals remaining in the wild across its range. Modelling by BirdLife Australia suggests that up to 50% of contemporary Regent Honeyeater foraging and breeding habitat was burnt in the 2019/20 bushfires and therefore protecting remaining unburnt breeding habitat is of the highest conservation priority. Given that it is nearing extinction, any breeding habitat including potential habitat, is crucial for its survival under the National Recovery Plan for the species. There are only a handful of remaining known breeding sites for Regent Honeyeaters. Destruction or degradation of any of those sites, or other sites suitable for it to breed in, would have dire consequences for the species. It is unacceptable and inconsistent with the National Recovery Plan for any avoidable loss or degradation of habitat to occur. It is also incongruous with the time and money that the federal and NSW governments have invested into the recovery program, including the Regent Honeyeater Captive Breeding and Release program. This matter is particularly important to BLSNSW as our volunteers have donated a significant amount of time over more than 31 years in monitoring and in habitat restoration activities in the Capertee Valley, just 50 kilometres from the mine site.

The interests of foreign corporations and customers

The IPC has a duty to decide the application in the interest of the Australian people, not the applicant. It owes no duty or obligation to advance the interests of the proponent's shareholders or customers and no duty to maintain or increase duties and taxes paid to state and federal governments in extracting and exporting coal. The only duty the IPC has is to the Australian people and the Australian and global environment.

The costs exceed the benefits

Benefits to foreigners: The proponent is mostly foreign owned, mostly foreign controlled and exports all of its coal to other countries. The benefit to Australians can only be measured in the generation of local employment and revenue paid to local and state governments.

More environmental damage: The costs of the proponent's activities are in the damage done to biodiversity via the destruction of native habitat, in increased global carbon emissions and increased costs to Australian taxpayers in remediating that damage in the decades ahead.

No net public benefit in exporting coal: Current high prices paid overseas for Australian coal is an irrelevant consideration. The IPC should ignore suggestions that if Australian mines do not continue to export coal, some other country will. Given its commitment to meeting net zero global emissions targets by 2050, it is not in Australia's economic interests to compete with other countries in extracting and selling coal.

Dubious and evaporating employment benefits: The extension of the mine will not increase local employment except for a further 2 years when employment will fall to a level necessary to fulfill the mine's obligation to remediate the land it has directly damaged. After that, the coal industry will itself become extinct in Australia and its workers will need new careers that do not entail dirtying the environment.

False economy in chasing government revenue: The proposed extension will continue to provide revenue to state and federal governments for coal extraction. That revenue, however, will be dwarfed by the cost to the Australian taxpayer in

achieving net zero emissions by 2050. Aiming to increase government revenue from coal exports would be a false economy.

Global emissions can't be ignored in deciding the merits: Even though the contribution of coal exports to global emissions at their destinations may be statutorily barred from being a ground for refusing a coal mining application in NSW, those exported emissions contribute to the increased costs in Australia of achieving net zero emissions by 2050. The IPC cannot ignore the imminent and certain effects of maintaining coal exports on Australia's carbon budget.

We still don't know what land will be cleared

As with its 2022 proposal, the proponent has not specified exactly where the planned access roads and facilities will be placed, insisting that it needs the discretion to identify those sites *after* not before the application is granted. The proponent evidently believes that it would be unreasonable for it to be required to incur that expense when there is a chance it would not be given approval. We say that the proponent is not entitled to that concession. The application in its latest form is unsatisfactory because it does not specify exactly what land is to be cleared. The reason for the proponent not being specific is not reasonable or acceptable. The application should be refused on that ground.

No land clearing should be permissible

The IPC should not accept the validity of the proponent's implicit argument that with just a bit more land clearing, it can extract a lot more coal for longer without employing any more people. The standard should be that an acceptable level of native vegetation clearing for the extension of an existing mine in 2026 should be zero hectares. If the public interest is paramount, it is time for remediation and phasing down, not doubling down on extracting more.

Offsets cannot save endangered species

The proponent implicitly advances the argument that an acceptable response to threats to critically endangered species via its clearing of native vegetation is to offer formulaic offsets. However, offsets are never an appropriate response to proposed biodiversity loss of habitat critical for the survival of a near extinct species, such as the Regent Honeyeater. Given their scanty numbers and limited distribution, there is no evidence that habitat suitable for Regent Honeyeaters in the affected area can be successfully offset. Any offsets pursued would be unlikely to provide measurable benefits for either local affected populations or for remnant populations still hanging on elsewhere.

BirdLife Australia and associated groups have for decades been striving to improve Regent Honeyeater habitat and to support captive breeding and release programs across the state. If those efforts alone were likely to induce rapid repopulation of the species in the target remediated areas, then by now increased breeding populations would be expected to be found. However, this has not occurred. The process is slow and easily set back by environmental threats such as nearby land clearing for development, climate change induced bushfires and rainstorms affecting food stocks as well as the incursion of competing species, such as the Noisy Miner. Our extensive experience demonstrates that efforts to create new breeding locations over time for Regent Honeyeaters, such as via a vague and inevitably slow-moving offsets mechanism, is no substitute for the need to preserve existing habitats for a species on the cusp of extinction.

Addressing the extinction crisis in Australia

In 2026, the need to reject offsets as a solution to threats to habitats of critically endangered species is demonstrated by statements of NSW and federal environment ministers that constitute a clarion call for taking urgent action to prevent more species extinctions. Urgent means now, not in the fullness of time required by offsets timetables. A goal of zero extinctions is unattainable if governments continue to treat the expansion of the coal industry as critical infrastructure deserving of encouragement and thereby authorising more habitat destruction, as this proposal undoubtedly does. We believe that in view of the re-energised contemporary political interest in effectively addressing the extinction crisis, a well-informed environment minister would struggle to be satisfied that the offsets proposed could realistically reduce rather than accelerate extinction risks. Consequently, we urge that the proposal be refused on the ground that the proposed clearing of at least 15.2 hectares of native bushland in any configuration would accelerate rather than abate the risk of the Regent Honeyeater and other species becoming extinct.

Conclusions

Most ordinary Australians are likely to be outraged to learn that proponents of new coal mining activities in NSW are only obliged to quantify the greenhouse gas emissions of their mine operations rather than the CO₂ emissions from the coal they sell. But we say that although the quantum of exported emissions may not count in the calculation of Australian emissions, they do count in the calculation of net indirect costs in coping both with higher global temperatures and the extinction of Australian native species. Approval of this proposal will undoubtedly aggravate both global warming and the probability of increased species extinctions. They are costs and those costs will be shifted to others and are not enumerated in financial terms by the proponent. The proponent has done no more than quantify the value of taxes, royalties, local jobs created and multiplier financial benefits to local economies while ignoring or denying the environmental costs. We say that approving the proposal can only be justified if the mine's expansion is shown to be manifestly in the public interest, i.e. that its stated benefits outweigh in a monetary and quality of life sense the high environmental price it demands. The proponent has not done that and deserves no more than an emphatic refusal of the application.

The proponent is a foreign corporation, is primarily engaged in exporting coal to customers in other countries and almost all its profits are remitted to foreign shareholders. It claims that in extending its mine, the existing infrastructure for extracting and processing the coal will be used, implying that additional local capital investment and additional employment will be minimal. The only significant benefit in a financial sense to the Australian public would be royalties and taxes payable to Australian governments for the coal exported and the extra multiplier benefits to the local economy in carrying on business for just two extra years. Thus, the extraordinary proposition implicit in the proponent's case is that species extinctions and increased monetary costs for Australian taxpayers in reducing greenhouse gas emissions and coping with climate change are justified by the predominantly foreign benefits. Furthermore, the benefits that might advantage Australians and their quality of life will be dwarfed by the costs shifted to them in coping with climate change and diminished biodiversity.

In 2026, the routine expansion of coal mining is no longer considered in the public consciousness to be business as usual. The vast majority of Australians worry about

the climate change crisis and the extinction crisis. They expect governments to reduce rather than increase fossil fuel extraction in NSW. Accordingly, we urge that the proponent's application be refused.

Yours faithfully



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