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**NSW Department of Planning and Environment**

For the Attention of Contact Planner: Genevieve Lucas

<https://www.planningportal.nsw.gov.au/major-projects/projects/moolarben-oc3-extension-project>

**Submission in Response to an EIS – Application no. SSD-33083358 - Moolarben OC3 Extension Project**

The Southern NSW Branch of BirdLife Australia welcomes the opportunity to comment on the EIS for this Project.

BirdLife Southern New South Wales (BLSNSW) is a community group of local people committed to the protection of native birds and their habitats. We are part of BirdLife Australia, the national partner of BirdLife International, which is the world's largest nature conservation partnership with over 13 million supporters. BirdLife Australia is independent and not-for-profit with over 200,000 active supporters nationally including 72,000 in NSW.

BLSNSW strongly opposes the proposal to extend open cut coal mining operations at Moolarben because of the threat it poses to the critically endangered Regent Honeyeater and other species, and because of its impact on the costs to Australians in reducing global greenhouse gas emissions.

**The Cost of Losing the Regent Honeyeater**

Undisputed by the proponent, the project would result in the clearing of 624.18 hectares of native vegetation including 477.75 hectares of Box-Gum Woodland Critically Endangered Ecological Communities. It will result in ecosystem habitat loss for 22 threatened fauna species including the Koala, the Squirrel Glider, the Large-eared Pied Bat, and of particular interest to BirdLife Southern NSW, the Regent Honeyeater.

According to the EIS, the Project is considered likely to significantly impact the Regent Honeyeater which is listed as Critically Endangered at both state and federal level, with as few as 350 individuals remaining in the wild. 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 near extinction, any breeding habitat is considered crucial for its survival under the National Recovery Plan for the species. There are only a handful of remaining 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 as a whole. It is unacceptable and inconsistent with the National Recovery Plan for any avoidable loss or degradation of breeding 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 for more than 25 years in monitoring and in habitat restoration activities.

## **Offsets as an Answer to Extinction Risks**

The proponent makes the argument that the response to threats to critically endangered species is to offer formulaic offsets. Offsets are rarely an appropriate response to proposed biodiversity loss and especially for habitat critical for the survival of a species, such as breeding habitat for the Regent Honeyeater. Given their scanty numbers and limited distribution, there is no evidence that current habitat for Regent Honeyeaters in the Project-affected area can be successfully offset. Any offsets pursued would be unlikely to provide measurable benefits for either the local affected population or for remnant populations still hanging on elsewhere. BirdLife and associated groups have for many years been striving to improve Regent Honeyeater habitat in areas near the proposed mine extension, such as in the Capertee Valley, 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 and the incursion of competing species, such as the Noisy Miner. Our long 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.

In 2022, 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 which constitute a clarion call for the taking of urgent action to prevent more species extinctions in Australia. Urgent means now, not in the fullness of time required by offsets timetables. A goal of zero extinctions is unattainable if governments continue to classify the expansion of the coal industry as critical infrastructure deserving of encouragement and authorising more habitat destruction, as this Project 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 by the proponent would realistically reduce rather than accelerate extinction risks.

## **The Cost of Higher Greenhouse Gas Emissions**

The proposal is to extend the mine by a further 10 years beyond its current closure date of 2038 by conducting open cut mining in an area bounded on three sides by the Munghorn Gap Nature Reserve, thereby producing for export an additional 40 million tonnes of coal that will increase the mine's greenhouse gas emissions by 86.59 million tonnes of CO<sub>2</sub>. Given that offsets are unworkable for the Regent Honeyeater, we say that allowing the Project can only be justified if the mine's expansion can be shown to be otherwise manifestly in the public interest, i.e. that it outweighs in a monetary and quality of life sense the high environmental price. Yet in support of its Project, the proponent offers reasons that have miniscule or no connection with the public interest of Australian citizens, let alone threatened species, even in financial terms.

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 an extra ten years. Even before considering the certain increase in greenhouse gas emissions of the Project, however, none of those monetary benefits could reasonably justify the increase in risks to critically endangered species. Yet, even when one considers the undisputed increase in greenhouse gas emissions of the Project, the proponent has offered arguments which inevitably imply major net public financial liabilities, rather than benefits to Australia.

In downplaying consideration of the effects of increased greenhouse gas emissions from its proposal, the proponent offers two somewhat legalistic points rather than grounds based on good public policy relevant to its application. Firstly, it says, increased greenhouse gas emissions should be disregarded or considered secondary because recent NSW planning law amendments prevent coal mining applications being rejected on that ground alone. Secondly, it claims that if NSW mines did not export coal to the world, other countries would instead. Both of these arguments sidestep the question of whether the impacts of the mine extension outweigh the benefits to Australians and the Australian environment. Statutory barriers designed to reduce reliance on global warming as a ground to reject expanding coal mining is an irrelevant consideration to the question of whether a proposal reduces biodiversity and threatens critically endangered species. Potential denial of coal supplies to other countries is also an irrelevant consideration. Australian environment ministers owe no duty to consider the energy needs of other countries particularly where a proposal is certain to make it harder for the world to reach net zero greenhouse gas emissions by 2050.

### **Who Will Pay to Reduce Australian Emissions?**

In framing its arguments on the treatment of its greenhouse gas emissions, the proponent fails to point out that if Australia cannot achieve net zero emissions, as it is now committed to doing, by means of stopping new coal mining activities, then it would have to achieve it by other means. The costs will necessarily have to be borne by industries and taxpayers other than coal mining companies, i.e. Australians, not foreigners. Thus, the extraordinary proposition implicit in the proponent's case is that species extinctions and increased monetary costs for Australian taxpayers in abating greenhouse gas emissions are justified by benefits accruing to the proponent which predominantly benefit foreign customers and foreign shareholders. Any multiplier benefits to local and national economies and any increased tax and royalties revenues that might benefit Australians will be dwarfed by the costs to everybody else in achieving net zero emissions by 2050. We say this is a transparently bad bargain and accordingly urge that the mine extension be refused.

Yours sincerely



Barry Walsh  
Conservation Subcommittee, BirdLife Southern NSW

[conservation.snsw@birdlife.org.au](mailto:conservation.snsw@birdlife.org.au)