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NSW Department of Planning and Environment

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<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-6-underground-mining-extension>

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

The Southern NSW Branch of BirdLife Australia welcomes the opportunity to comment on the Modification Report 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.

Summary

BLSNSW strongly opposes the proposal to extend the Ulan Coal Complex (UCC) 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. We also object to the Modification Report in not providing sufficient specificity about land proposed to be cleared, because it prevents an objective assessment of its likely impact on biodiversity.

Shifting Public Attitudes Toward Coal Mining

Notwithstanding the enthusiasm of the NSW government for expanding coal mining back in 2010 when current mining activities at UCC were approved, the pendulum of opinion among the general public and the political leadership is swinging heavily towards the need to reduce coal mining. No matter how high the export price for coal may be in 2022, everybody knows it will not last, and must not last if global greenhouse gas emissions are to be reduced to net zero by 2050.

Similarly, public support for the clearing of native bushland habitat for large scale fossil fuel mining projects has diminished markedly and government policy, even in NSW, is belatedly now swinging also in the same direction. The NSW government knows that its recent past zeal for developing coal fields is incompatible with new and emerging national and state goals aimed at reducing habitat destruction as the only viable way of preventing species extinctions and reducing greenhouse gas emissions. Rather than tolerate deforestation, governments now need to pursue net reforestation. The clearing of land for any new coal mining activities is incompatible with those emerging public policy objectives.

Lack of Specificity Relating to Biodiversity Impact

The proposed modification will extend the life of the approved UCC operation by approximately two years allowing mining to continue until August 2035 and in that time extracting an additional 25 million tonnes of coal. Notwithstanding that the Project implies merely extending underground operations, the Modification Report outlines the intention to clear 27.4 hectares of native vegetation to include changes to the surface infrastructure associated with new underground operations, including ventilation, power and dewatering infrastructure as well as access roads. Of that area, 9.5 hectares (around a third) has been “assessed” by the proponent as vegetation consistent with the Box Gum Woodland Critically Endangered Ecological Community. But this information is neither precise nor reliable for present purposes because the proponent does not identify the locations of the affected land to be cleared. It claims that it would prefer instead to make that decision *after* the modification is granted, evidently to avoid the costs of undertaking detailed planning of infrastructure sooner. The vagueness and uncertainty associated with this approach is demonstrated by this statement of the proponent at page 22 which leaves open the possibility that later on, the affected area could be doubled:

“The total potential ‘maximum parameters’ footprint of direct impacts on vegetation and habitats that may occur is 54.7 ha, which has captured the largest potential impact across each of the various plant community types (PCTs) in the additional underground mining area. This assessment is therefore conservative and, whilst this impact area has been assessed, the development is not intended to result in the removal of 54.7 ha of native vegetation.”

The proponent undertook ecological studies by a process it calls a “maximum parameters assessment methodology” and used it to evaluate nine “potential” alternative locations that it might select for clearing. That methodology led it to conclude that whatever sites are chosen, at least one third will be critically endangered Box Gum Woodland. Furthermore, it will not be land cleared at one contiguous location, but at scattered locations comprising ventilation shafts and bore holes connected by roads. These are formulaic derivations, estimates and averages rather than precise descriptions of the land to be cleared. We say the proponent should be required to detail with precision the location of every piece and corridor of native bushland it proposes to clear so that the impact of new infrastructure on biodiversity can be satisfactorily assessed. Accordingly, we recommend that the proponent be required to amend its Modification Report accordingly as an essential requirement or to withdraw the proposal.

The Proponent’s Reliance on Offsets as a Response to Critically Endangered Species

The ecological studies the proponent conducted confirmed that breeding habitat suitable for the Regent Honeyeater exists across the affected land and concluded that the Project 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.

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 near 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 as a whole. 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 for more than 25 years in monitoring and in habitat restoration activities.

Offsets Cannot Save the Regent Honeyeater

The proponent implicitly advances the argument that an acceptable response to threats to critically endangered species is to offer formulaic offsets. However, offsets are rarely an appropriate response to proposed biodiversity loss and especially for 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 Project-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 and associated groups have for many years 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 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.

Addressing the Extinction Crisis in Australia

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. 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 thereby 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 could realistically reduce rather than accelerate extinction risks. Consequently, we urge that the Project be refused on the ground that the proposed clearing of at least 27.4 hectares of native bushland in any configuration would accelerate rather than abate the risk of the Regent Honeyeater and other species becoming extinct.

Paying for Higher Global Greenhouse Gas Emissions and Climate Change Impacts

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 the Project will undoubtedly aggravate both global warming and the probability of increased species extinctions. They are costs and those costs are effectively shifted to others and not enumerated in financial terms by the proponent. Yet the proponent is allowed to 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 Project can only be justified if the mine's expansion can be shown to be manifestly in the public interest, i.e. that its stated benefits outweighs in a monetary and quality of life sense the high environmental price it demands.

The proponent is a foreign corporation, is primarily engaged in exporting coal to customers in other countries and almost all its profits, and current extraordinary superprofits, 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 2022, 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, and they expect governments to reduce rather than increase fossil fuel extraction in NSW. Accordingly, we urge that the UCC proposal be refused.

Yours sincerely



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