

## **Wando Conservation and Cultural Centre Inc**

Submission to MP09\_0182-Mod-8

Boggabri Coal Mine

Due 31 January 2023

**Wando urges the Department to reject the application**

WE are grateful for the opportunity to provide a submission on this important issue.

Wando expresses its gravest concerns as to what appears to be a travesty of due process and urges the Department to accept its responsibility to

- Reject outright this amended Modification which represents, in effect, a two-step process of approval. The flaws in the initial modification, including those which we addressed in our submission, attached as Appendix 1, have not been addressed.  
Our contention, that the original Modification should have been rejected, has not been addressed  
The community and the Department are required to expend ever more resources unnecessarily in revisiting this issue
- Boggabri Coal Mine is currently facing a legal challenge submitted by Environmental Justice Australia lawyers on behalf of the Environment Centre of Central Queensland to the Federal Minister for the Environment.  
No decision should be made by the NSW State Government before this matter, which considers climate risks posed by 19 projects, has played out in the Federal arena.  
Appendix 2 is the submission made by Wando as part of this 'Living Wonders' case.

Wando's ongoing concerns are embedded in our understanding of the immediate and catastrophic effects of climate change and the impacts this amended modification has due to its size and nature; its impact on vegetation and groundwater and the deleterious consequences it poses for our region and globally and well into the future.

It is simply untenable to continue to allow mine expansion in a world so changed: we must be looking to carbon sequestration and transition to clean energy societies.

### **The size and nature of the Modification**

A most egregious example of 'modification creep', the amended modification goes beyond the current 'depth of mining' boundary. We can have no confidence that the 'amended' reduction in the ROM coal recovered from 61.6million tonnes to 28.1 million tonnes is anything more than a strategic back-down which will be reversed by a future modification. We can have no confidence that 'an administrative modification' will not be invoked to ensure there is no public scrutiny.

### **Issues associated with surface and ground water**

- Refer to Appendix 1

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- We read in the amended modification : "The existing WMS will continue to be used to manage runoff with all pit water and mine surface runoff directed to the WMS. Given that the proposed changes to mining operations will remain entirely within the approved Mine Disturbance Boundary, there are no material changes to the approved WMS as part of the MOD 8 Amendment"

This would appear to enshrine in the Mines approval the completely discredited current Water Management Scheme.

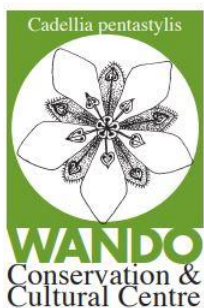
- Further water drawdown associated with deeper mining would be expected to impact negatively on flora and stygofauna

### Greenhouse gas emissions

- It is difficult not to see the reduction in ROM in the amended Modification as a cynical attempt to make the project more acceptable, particularly in the face of the EJA legal challenge. However, the community is aware that we must transition from fossil fuels **now**. The Department has a duty of care to expedite this transition.
- Boggabri Mine has demonstrated its inability to cope with the catastrophic climate events which are already occurring and which will become increasingly frequent. **Refer to Appendix 2 on drought and flooding**
- **Refer to Appendix 1**

**Conclusion: the precautionary principle and any concern for intergenerational equity and sustainable development contribute to the conclusion that this modification must be rejected.**

### Appendix 1 to Submission to MP09\_0182-Mod-8 Boggabri Coal Mine



## *Wando Conservation and Cultural Centre*

*submission to*

## *Boggabri Coal Mine*

## ***MOD 8 - Increase in depth of mining***

Increase in depth of mining and construction of fauna crossing

### **Wando urges the Department to reject the application.**

Wando Conservation and Cultural Centre Inc (Wando) is based at Maules Creek approx. 70 kms from Gunnedah; we engage in research and monitoring to protect the environment and the communities in an area encompassing Narrabri- Boggabri- Gunnedah. We have drawn attention to the negative environmental, social and economic impacts of Boggabri Coal Mine since its commencement as modification upon modification has been approved with scant consideration of the precautionary principle, intergenerational equity and ecological sustainable development. Cumulative negative impacts associated with large adjacent mines and the modifications which they have been granted also added to the destruction of biodiversity and serious impacts on water security.

Wando urges the Department to reject the application on a number of grounds including:

1. The size and nature of the Modification which are such that it would properly be regarded as project in its own right
2. Water issues- both surface and groundwater
3. Greenhouse gas Emissions

### 1. Size and nature of the Modification

Boggabri mine, a wholly foreign-owned entity, is seeking approval to mine an extra 61.6 million tonnes of coal and extend its operation for six years to 2039. Mining and burning coal from the extended mine will result in 359 million tonnes of greenhouse gases according to the assessment provided by the proponent and we understand that 152.4 million tonnes of this would be directly attributable to the modification.

‘Modification Creep’ has seen the approval of over 20 modifications for the four large mines in the vicinity. The size and potential impact of Modification 8 is so significant that the community’s right to due process would have been served by the treatment of this project as a State Significant Development in its own right.

### 2. Water:

#### a. Surface

- i. The mine’s 2020 Annual Review maps show streams apparently flowing into the mine pit contrary to the mine’s 2010 Environmental Assessment
- ii. The mine appears not to hold licences for the surface water which will be captured under the proposal
- iii. The mine’s 2020 Annual Review acknowledges *the currently approved SWMP is non-complaint...*

#### b. Groundwater

- i. Groundwater inflow, which will be dramatically increased if this proposal is approved, will cause more than 2m drawdown, up to a maximum of 5m in zone 4 of the Namoi alluvium, a productive groundwater source relied on by the farming community
- ii. It is predicted that the Namoi River will experience a 2ML per year loss of base
- iii. We are all increasingly aware of the implications of climate change and increased likelihood of extreme climate events such as drought. The region has recently experienced its worst drought on record during which the river ceased to flow for an extended period. There is no mechanism by which the groundwater inflow to mining pits can be stopped during drought- an additional element of unacceptable risk.

### 3. Greenhouse Gas Emissions

Wando concurs with the consensus that we must limit greenhouse gas emissions and accelerate Australia’s transition to net zero to avoid the worst impacts of climate change; this intention must underpin decisions made across all levels of governments. The NSW Government has a stated goal of decarbonisation by 2050 and 90 million tonnes of reduced carbon emissions to 2030. Any chance of a just transition to a fossil-fuel-free economy in time to avert disaster is lost should this project be forwarded. As our major trading partners, the EU, China, Korea, Japan and the US all move to implement rapid decarbonization we face the very real prospect of stranded assets alongside environmental degradation.

Wando was heartened by the Hume Coal decision (30 Aug 2021) in which The NSW IPC acknowledged that the 106.7 Mt CO<sub>2</sub>-e of GHG emissions from the Hume mine “are not justified” and “would result in intergenerational inequity”. See NSW IPC Statement of Reasons for the Hume Coal decision [available here](#)

Boggabri Mines reported onsite - Scope 1 and 2) emissions of 174 kilotonnes in the mine's Annual Review for 2020. The assessment for this modification shows that volume increasing to 740kt and 800kt in the coming years. This is a significant increase in greenhouse emissions, both in overall volume and in the intensity of emissions released per volume of coal mined.

Boggabri Mines must also be held to account for Scope 3 emissions.

The community at Maules Creek has suffered the destruction of a valuable environmental asset and of social bonds and has been responsible for monitoring and compliance of mines under the most trying of conditions. The precautionary principle, which the World Health Organisation advocates should be adopted if we are to protect public health, the environment and the future of our children, would indicate the modification must be rejected

### Appendix 2: Living Wonders Wando CCC Inc on Boggabri Mod 8

#### Question 1

***Do you consider there is substantial new information available about the impacts the action has, will have or is likely to have on a matter protected under Part 3\* of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)?***

**Answer 1: Yes**

#### **Comment (up to 500 words)**

Boggabri mine, a wholly foreign-owned entity, is seeking approval to mine an extra 61.6 million tonnes of coal and extend its operation for six years to 2039. The impacts not considered in the approval, and which will have significant impact on the Leard Forest, in the first instance, and the wider environment generally, include climate impacts, cumulative impacts and environmental degradation.

Mining and burning coal from the extended mine will result in 359 million tonnes of greenhouse gases according to the assessment provided by the proponent and Wando understands that 152.4 million tonnes of this would be directly attributable to the modification. 'Modification Creep' has seen the approval of over 20 modifications for the four large mines in the vicinity and no attempt has been made to consider and assess the cumulative impact of the mines on air quality, water (subsurface or surface), light, sound or blast pollution.

In 2014 it was possible to write that *Leard State Forest is the largest area of remnant vegetation remaining in the Liverpool Plains making it a matter of national environmental significance...3, 421ha of the nationally-listed and critically endangered Box-Gum Woodland... The forest is home to 396 species of plants and animals and includes habitat for 34 threatened species and several endangered ecological communities. This particular area of White Box-Gum Woodland is significant as it contains an average of 100 hollows per hectare. These hollows take over 100 years to form and are vital for many species such as Corben's long-eared bat, Nyctophilus corbeni and the Yellow-bellied Sheath tailed bat, Saccolaimus flaviventris which rely on them for roosting.*

*...the combined projects (will) destroy over half of the Leard State Forest, (and) remaining forest will be fragmented by the positioning of the mines in the middle of the forest. Edge effects, created by habitat fragmentation, can change the micro-climate within the forest, resulting in a loss of species diversity, a loss of genetic diversity and a reduction in an ecosystems ability to deal with climate change, disease, species invasions and other human impacts.*

*Mining 24hrs a day will result in impacts of bright lights at night, excessive noise from machinery and blasting vibration and dust. [here](#)*

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Boggabri Coal, Maules Creek Project and Tarrawonga are destroying more than 5000ha of Leard State Forest, including 1,082ha of the Box- gum Woodland.

Wando draws the Minister's attention to 2019 the NSW Legislative Assembly Inquiry into 'Koala populations and habitat in NSW' established the dire situation of koalas in the area impacted by Boggabri Mine.

Wando draws The Minister's attention to ECoCeQ's research which conclusively demonstrates that Koalas, direly impacted by Boggabri mines operations (as was established by the 2019 NSW Legislative Assembly Inquiry into 'Koala populations and habitat in NSW'), are threatened by wide-scale change drivers and to ECoCeQ's fire maps which show the impacts of the climate change-fuelled 2019-2020 bushfire season on endangered animals and plants, and nationally protected areas and to. This information was not available when the project was first assessed.

### Question 2:

***Do you consider there has been a substantial change in circumstances that was not foreseen at the time of the first referral decision and that relates to the impacts the action has, or will have or is likely to have on a matter protected under Part 3\* of the EPBC Act?***

No

Comment: N/A

### Question 3:

***If applicable, provide any other comments on whether you consider there are reasons to revoke the first referral decision and substitute a new decision. This may include any other comments on whether a matter referred to in any of paragraphs 78(1)(a) to (ca) of the EPBC Act applies in relation to the action.***

### Climate change:

#### Greenhouse gas emissions

With this application, Boggabri mine is seeking approval to mine an extra 61.6 million tonnes of coal and extend its operation for six years to 2039. Mining and burning coal from the extended mine will result in 359 million tonnes of greenhouse gases according to the assessment provided by the proponent and it is understood that 152.4 million tonnes of this would be directly attributable to the modification.

Wando was heartened by the Hume Coal decision (30 Aug 2021) in which The NSW IPC acknowledged that the 106.7 Mt CO<sub>2</sub>-e of GHG emissions from the Hume mine "are not justified" and "would result in intergenerational inequity". See NSW IPC Statement of Reasons for the Hume Coal decision [available here](#)

As a number of submissions against the proposal made clear *Onsite emissions reported in 2020 in Boggabri mine's Annual Review were 174 kilotonnes. The assessment for this modification shows that volume increasing to 740kt and 800kt in the coming years; this is a significant increase in greenhouse emissions, both in overall volume and in the intensity of emissions released per volume of coal mined.*

*Annual onsite greenhouse emissions are expected to triple as a result of this modification, as well as continue for six additional years of mining* (Lock the Gate 8 September 2021 see also [here](#)).

Boggabri Mine must also be held to account for Scope 3 emissions

Any chance of a just transition to a fossil-fuel-free economy in time to avert disaster is lost should this project be forwarded.

### Extreme climate events

#### Drought:

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During the recent drought the river ceased to flow for an extended period. There is no mechanism by which the groundwater inflow to mining pits can be stopped during drought- an additional element of unacceptable risk. The mine's 2020 Annual Review maps show streams apparently flowing into the mine pit contrary to the mine's 2010 Environmental Assessment; the mine appears not to hold licences for the surface water which will be captured under the proposal; The mine's 2020 Annual Review acknowledges the currently approved SWMP is non-compliant; groundwater inflow, which will be dramatically increased if this proposal is approved, will cause more than 2m drawdown, up to a maximum of 5m in zone 4 of the Namoi alluvium, a productive groundwater source relied on by the farming community; it is predicted that the Namoi River will experience a 2ML per year loss of base flow.

### **Flooding:**

Boggabri Mine has had to stop production twice this year because of flooding: in July due to the flooding of the railway line in the Hunter and in November because of widespread flooding across the area including the mine site. The local community has no confidence that the mine can appropriately manage catastrophic climate events such as this.

The Minister is required to take into account the '**precautionary principle**' when assessing fossil fuel projects. Wando urges the Minister to consider the 3000 scientific documents provided by ECoCeQ as evidence of the serious and irreversible damage to the environment which will be caused should projects such as Boggabri's Modification 8 be approved. Matters of **intergenerational equity** and **environmentally sustainable development** support the overturning of this approval by The Minister.