

Submission on Boggabri Coal Mine Modification 10

1. Introduction

This submission responds to Boggabri Coal Mine Modification 10 (MOD 10), with a focus on the impacts to water resources drawing upon technical data from the Environmental Impact Statement (EIS).

People for the Plains OBJECTS to this Modification.

2. Key Concerns

2.1 Greenhouse Gas Emissions

The Boggabri Coal Mine's proposed MOD 10 is incompatible with NSW's legislated climate targets under the *Climate Change (Net Zero Future) Act 2023*. While MOD 8 was approved in January 2024 on the basis that emissions were included in existing modelling, updated projections in April 2024 revealed those emissions contribute to an overshoot of the 2035 target by 7.8 Mt CO₂-e. With MOD 10, Boggabri's contribution to this overshoot would triple from ~70,000 to ~210,000 t CO₂-e in 2035.

Boggabri's Scope 1 emissions have been rising, hitting a record high of 210,390 t CO₂-e in FY24 — the highest since the Safeguard Mechanism began in 2017. No reductions are projected through to 2040 under MOD 10. Emissions in 2030 are expected to increase by ~30,000 t CO₂-e compared to FY24 levels, further undermining NSW's 2030 and 2035 targets.

Given the mine's increasing emissions and lack of an emissions reduction trajectory, MOD 10 clearly fails to meet the expectations of the NSW EPA's *Guide for Large Emitters* and should be refused.

2.2 Surface-Groundwater Connectivity of Nagero Creek

Nagero Creek is an ephemeral stream whose catchment flows through the mine site and across the Namoi floodplain. The underlying Upper Namoi Zone 4 alluvial aquifer is a highly productive groundwater source used for irrigation and stock. MOD 10 will disturb an additional 76 ha of this sensitive catchment, removing ephemeral streams and extending the duration of mining-related impacts.



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The assumption of negligible downstream impact ignores the recharge function of Nagero Creek near its convergence with Zone 4.

We challenge the assumptions used by Boggabri Coal that the removal of creeks in Nagero catchment does not impact Zone 4 recharge and therefore create resilience and sustainability issues for other water users in this Zone.

2.3 Groundwater Impacts and Regulatory Compliance

MOD 10 impacts the Upper Namoi Zone 4 groundwater source, triggering a Level 2 minimal impact classification under the NSW Aquifer Interference Policy due to projected drawdown at a high-priority groundwater-dependent ecosystem (GDE). The impacts to this GDE in Zone 4 exceeds the Level 1 threshold but is not adequately mitigated in the documents.

Although private bores are expected to remain below the 2m drawdown threshold, cumulative impacts from the Boggabri, Tarrawonga, and Maules Creek (BTM) mines warrant further scrutiny. The BTM updated water model and resulting more recent water management plan doesn't seem to be available to the public. The only version available appears to be 2019 which is well outdated and violates a condition of consent of all the mines by not having these crucial documents up to date.

MOD 10 extends the duration of water impacts by four years and involves construction in upper catchment zones with ephemeral-alluvial interface, potentially increasing risk to groundwater through:

- Disrupted recharge pathways
- Altered surface infiltration dynamics
- Extended interception of surface runoff

We call for the impacts to GDEs to be properly mitigated and for a fully cumulative water assessment of the BTM complex, not just incremental MOD 10 impacts.

2.4 Water Licensing Shortfalls

MOD 10 continues a pattern of short-term temporary water trades rather than a stable long-term entitlement strategy, undermining water security for other water users and the mine.

The proponent currently holds only partial water access licences (WALs) to cover MOD 10 water requirements. Specifically, the mine holds 93 ML for runoff interception but requires 191 ML. BCM's water needs rely in part on extraction from Zone 4 and other regulated/unregulated sources. Zone 4 take of 1,028 ML must in part be acquired via

temporary trade — this may conflict with agricultural water needs, relying on temporary trades, exposing the project to drought-related shortfalls. The MOD 10 water balance shows water take exceeding available entitlements in the final year of mining.

It is a stipulation of projects that they must hold enough licences to cover their water usage or else their operations must be adjusted to suit. This project cannot be approved at this production level without the water that it needs. We also request an independent review of the water balance model, with emphasis on seepage and surface–groundwater exchange zones.

2.5 Model Limitations

The groundwater model does not simulate:

- All spoil emplacement
- Fine-scale aquifer heterogeneity or fault permeability
- Seasonal recharge or high-flow events in Nagero Creek

The model assumes recharge from surface flows into aquifers is limited by regolith thickness however this understates the risk of cumulative interference from surface disturbance.

Despite several inquiries and multiple internet searches we have been unable access the updated BTM water model nor the BTM Water Management Plan for any more recently than 2019. How can the community have confidence in data that appears to be so out of date. Besides the fact that there is a requirement for the Model and the WMP to be updated every three years. This appears to be a breach of the conditions of consent.

Without an updated BTM water management plan across Boggabri, Tarrawonga, and Maules Creek, Mod 10 cannot be assessed as there is limited cumulative impact understanding.

2.6 Biodiversity

Boggabri MOD 10 proposes to clear approximately 85 hectares of native vegetation, which would further threaten biodiversity in the region. This clearing would affect at least two threatened plant species and over 15 threatened animal species, including iconic fauna such as the koala and spotted-tailed quoll, a variety of woodland birds and bats, as well as the critically endangered Regent Honeyeater and Swift Parrot.

The omission of the Swift Parrot from the assessment is particularly alarming. This species has been recorded in Leard State Forest in 2012, 2014, 2022, and 2023, and the forest

provides important foraging habitat. Cumulatively, around 3,800 hectares of native vegetation have already been lost due to mining developments at Boggabri, Tarrawonga, and Maules Creek. The additional loss of 85 hectares under MOD 10 would further erode critical habitat, posing a serious threat to the long-term survival of the Swift Parrot and risking irreversible damage to biodiversity in the region.

2.7 Wildlife Corridor

Although MOD 10 claims to preserve the 3.5 km-long, 500 m-wide wildlife corridor between the Maules Creek and Boggabri coal mines, it plans to mine right up to its boundaries. This narrow strip of habitat will be left isolated between two vast open-cut operations, exposing wildlife to intense disturbance from blasting, noise, dust, invasive weeds, and increased predation. In practical terms, the corridor will no longer function as a safe passage for most species. Only the most mobile or disturbance-tolerant animals may attempt to use it, effectively fragmenting habitat within Leard State Forest and disrupting critical ecological connectivity.

3. Structural Limitations

3.1 Modification vs New Project: A Case of Planning System Exploitation

Boggabri Coal is taking advantage of a loophole in the NSW planning framework that allows major expansions to be assessed as “modifications” rather than as new projects — provided they’re deemed “substantially the same.” This pathway significantly reduces oversight: there’s no independent merits review, no Planning Assessment Commission, and only one limited opportunity for community or expert input. It’s a process designed for minor changes, yet it’s being misused to greenlight major expansions with minimal scrutiny.

In this case, the strategy appears calculated. MOD 8, approved only in January 2024, originally sought a six-year extension and 61.6 million tonnes of additional coal. That proposal was scaled back — after departmental advice — to a three-year extension and 28.1 million tonnes. But now, just 18 months later, MOD 10 is seeking a further four years and another 30 million tonnes. Combined, MODs 8 and 10 restore almost the exact scale of the original MOD 8 proposal. This piecemeal approach is disingenuous — it fragments community engagement and regulatory oversight — and the total expansion should be treated as a new project, not a modification.

In comparison, several similar or even smaller-scale proposals have rightly been treated as new development applications, triggering full assessment processes:

- **Wilpinjong Extension – Ashton South East Open Cut (2017):** 7-year extension



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- **Moorlarben OC3:** 30 million tonnes of additional coal
- **Newstan Mine Extension Project:** 26 million tonnes
- **Chain Valley Consolidation Project:** Just 9.5 million tonnes over 2 years — yet assessed as a new project

The cumulative impact of MOD 8 and MOD 10 should not be assessed in isolation. This is effectively a 15-year extension out to 2040, and should be held to the same standards as other large-scale mining proposals.

3.2 Approvals Banking: Locking in Future Projects Without Proper Review

Another concerning trend is the growing practice of “approvals banking” — securing approvals now for expansions that won’t begin until well into the future. MOD 8 already gives Boggabri Coal permission to operate until December 2036. But this current application, MOD 10, seeks approval for mining that starts in 2036 and continues through to 2040.

This approach sidesteps proper public and scientific scrutiny of future environmental conditions, economic justifications, and cumulative impacts. It sets a dangerous precedent — one where companies effectively lock in development rights a decade in advance, well beyond the scope of current approvals. While it may be technically permissible under the planning system, it flies in the face of public transparency and long-term environmental responsibility.