

Boggabri Coal Mod 10 submission, *Increase to mine footprint and mine life.*

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Maules Creek.

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Thank you for the opportunity to make a submission on the Boggabri Coal 'Modification 10', Increase to mine footprint and mine life.

Modification 8 & 10 equate to a 'New State Significant Development'.

I oppose MOD 10 on the grounds that this is more than a Modification and should have been submitted as originally outlined in 'Modification 8' as a new 'State Significant Development'(SSD). Therefore, I urge NSW DPHI to refuse consent for Modification 10 and have it withdrawn.

As an impacted community member, I find it disingenuous on the part of the Department of Planning to advise Boggabri Coal to deliberately split Mod. 8 into two separate Modification (Mod. 8 & Mod. 10).

By splitting this project into two modifications these extensive changes would be classed as 'substantially the same' and assessed as just a modification rather than having to go through the more rigorous scrutiny of a Bilateral Agreement with the commonwealth as SSDs are assessed, it is much easier to get approval by using a Modification without an EIS. This is deception and stealth at its best.

Two SSD projects on exhibition at once.

The Maules Creek local community are heavily impacted by the Coal Mining in the Leard State Forest Precinct, and to expect community members to read, digest and put in a submission on not one but two State Significant Projects that have overlapping exhibition periods is outrageous.

Cumulative impacts – still ongoing!

My community has little to no say in how the impacts of not just this coal mine but the cumulative effects of three open-cut coal mines have had on; Our Amenity; Water, both Surface and Groundwater; Noise; Air quality; The loss of Farming properties due to their purchase for Offsetting all the destruction and clearing of the Leard State Forest (LSF); Loss of Habitat for native fauna; Loss of Threatened PTC's; Changes to the whole topographic landscape of LSF which will affect/change the tributaries to the Negaro creek alluvium; Many thousands of Tonnes of Waste Offroad Tyres buried

under the once non-contaminated soil in the Leard State Forest; Ending with a toxic sink due to the 'economic cost to back fill the final void'!

Director General's Assessment Report Boggabri Coal

The Department exhibited the Environmental Assessment (EA) for the project from 15 December 2010 until 7 February 2011, and received 212 submissions: 8 from government authorities, 6 from special interest groups and 198 from the general public. Most of the public submissions objected to the project, with the main issues relating to impacts on Leard State Forest (biodiversity), greenhouse gas emissions, social impacts and groundwater/surface water impacts. Other key issues related to noise and vibration, air quality and traffic impacts relating to the proposed closure of Leard Forest Road.

If you read this report, you will note that the largest percentage of public submissions objected to this EA in 2010. In 2025 these same impact issues are still relevant. With the exception of the Leard Forest Road Closure, which was addressed by the bi-pass around the forest there are now even more impacts that are of concern.

1. The development of Management Plans

If the impacts are assessed/modelled and known prior to the approval of Modifications on exhibition then there should be little or no need to change the existing Management Plans, unless of course there needs to be 'Significant' changes because the Modification is significantly different. Which would suggest that the changes being approved in Modification 10 are not 'substantially the same' and implies that it should have been on exhibition as a new SSD.

- 2. The burial of Off-road tyres** was never contemplated for this project, or at least not publicly, until the illegal tyre burial was uncovered by the community. And in response to this illegal waste tyre burial, the proponents/applicants, were never fined and instead have the privilege of burying thousands of tonnes of waste Off-road tyres under the forest at no cost to the company under the guise of nowhere to recycle these larger tyres.

There is no mention of more burial of Off-road tyres, and the stockpile of 200 'heritage' waste tyres that Boggabri Coal are seeking to bury over the next two years. The burial of these extra tyres was not included in this Mod, because Mod. 10 won't come into force for another 11years if its approved! Longer mine life and more machinery by 2036 to 2040, will mean more tyres! The recycling of Off-road tyres must be addressed before any further extensions of Boggabri Coal's Environmental Protection Licence is altered to include thousands more tonnes of rubber Off-road tyres are buried beneath the Leard State Forest. No

more extensions of time and no more amendments to the EPL to allow Off-road tyre waste disposal under the Leard Forest. Mining companies in Western Australia can process these Off-road tyres so there is no excuse, the community don't want to hear that it is not economically viable for the company!

- 3. Pit Void** – NSW environmental law and sustainable development principle states: Environmental harm must be avoided, not merely managed or mitigated when convenient. Taking into account the precautionary principle.

The Leard State Forest is part of the wider Namoi Catchment and the Maules Creek sub-catchment. Final voids cause impacts that last well beyond the life of the mine for 1,000 years or more and essentially cause permanent changes to the previous natural topography, hence create hydrologically damaging artificial sinks that change the balance of surface and subsurface water, water that previously recharged groundwater systems that feed creeks, support native vegetation or downstream wetlands, a void will impact downstream users.

Final voids risk long-term water contamination from acid mine drainage; they disrupt the natural geomorphology and are not compatible with post-mining land use. There should be no final void!

Economic cost to the proponent/applicant to completely back fill the mined pit and avoid the necessity of a toxic void must not be used as an option for Boggabri Coal to leave a final void, not even a partially infilled void.

Cumulative effects of 2 Final Voids in the Leard State Forest!

Cumulative effects must be taken into account of not one but two final voids remaining in the Leard State Forest by Boggabri Coal and Maules Creek Coal, final voids are totally unacceptable and must be addressed so long-term environmental damage to the Namoi River Catchment, including the Maules Creek and Boggabri Volcanics sub-catchments, which forms part of the upper Murray-Darling Basin are not impacted by toxic seepage into underground aquifers. The implication of the thousands of tonnes of toxic leachate from Off-road tyres buried in pit, if any mine void water comes in contact with these buried tyres, must be considered.

In 2012 the Planning Assessment Commission for the Boggabri Coal project, did not support a final void, saying it was Hydrologically risky, Environmentally unsustainable and Visually intrusive. Final voids are environmentally unsound and inconsistent with best practice.

There should not be a final void, even if it is partially infilled. A void should not be approved as part of Modification 10 or any other end of mine plans for Leard Forest Precinct mines.

4. Additional water take from the Maules Creek Alluvium

The capacity to store adequate water is not the issue surrounding water!

Projects must hold enough water licences to cover their water usage, or they must adjust their operations. Clearly Boggabri coal cannot rely on the active water market and use temporary trade when and if needed in the distant future to cover their water usage. This Modification 10 must not be approved without sufficient in place water licences as per stipulated requirements. No water licence, no approval.

Down playing water impacts to the environment & community.

Considered negligible, considered minor and manageable, are only words on a page that down plays the serious issue of water demand in years of drought. If there were no mines harvesting surface water in the Leard Precinct or stealing water in droughts to wash coal and suppress dust the community and environment would be much better off. The mine is dismissive of how much water needs to be taken from the Bluevale Water Source to achieve the predicted 329 Megalitres from the local catchment runoff. Water that would help sustain the native vegetation and ultimately replenish underground aquifers.

Impacts to groundwater-dependent ecosystem (GDE), specifically Stygofauna.

Without an updated BTM water model, the outdated 2019 version (which means that consent conditions are not being followed and suggests a breach of conditions by all three Leard Precinct mines) cannot be relied upon to verify the impacts to GDEs and the drawdown levels.

An extra four years past 2036 being so far in the future, not having an updated BTM water model and the unknown Climate Change impacts of droughts in the future, there is an increased risk of indeterminate impacts that could cause unmitigated drawdown of great impact to GDEs especially Stygofauna, which are very susceptible to changes in water levels.

Recharge disruption, aquifer connectivity, extreme changes in surface topography, altered infiltration from back filling all add to the dynamics of how many risks there are to GDEs in more than 11 years' time, and then another 4

years past that to 2040 which is pie in the sky and cannot be modelled accurately so far into the future. Too many uncertainties. Aquifer integrity is stated as 'uncertain', groundwater level fluctuation is assessed as 'High' and beyond seasonal variation.

Just using a minimal assessment of the possible impacts of Modification 10 is unacceptable and there must be an updated Cumulative water impact assessment across the BTM complex and a comprehensive study by qualified Aquatic Ecologists on the impacts to Stygofauna (GDEs).

5. What Aquatic qualifications do WSP Ecologists have to verify there are no impacted Stygofauna? Desktop analysis with outdated BTM water data, is not acceptable.

Since mining has come to Maules Creek our rights have been continually taken from us. First merits appeal, then an increase of submission numbers before there can be a public hearing, which ultimately took away the Merit Review rights. And now Modifications used to restrict oversight of mining projects and get them approved faster and easier.

Now we have the department who will ultimately be the decision-maker of this Modification 10, simply because Modifications don't require further scrutiny, just a tick from the very department that has overseen the Modification prior to the exhibition, and with much input to the Proponent/Applicants final Modification, to ensure approval without delay.

If Mod. 10 is approved, the community is denied the ability to appeal against a Modification because it was not submitted as it should be, as new SSD with an EIS.

'Providing for equitable merits review rights is an essential accountability mechanism in the NSW planning system.'

Modification 10 is nothing more than half the original modification 8 that was amended twice and withdrawn on the advice of the Department. By splitting the Mod. 8 in half reducing the 6-year extension to 3 years and the tonnes of coal to be extracted reduced from 61.6 million down to 28.1 this modification could then be classed as 'substantially the same' project and this has allowed Boggabri Coal to use a Modification to seek approval by stealth instead of having to go through the more rigorous process of scrutiny of a 'New SSD Project'. I find this a calculated and unprincipled action by the department, to advise Mod. 8 to be withdrawn and split into two Modifications. Modifications are for minor changes to similar plans; not major

extensions involving greater depth of mining; longer mine life; and extensive clearing of native vegetation!

The option of mining deeper to the lowest coal seam

Templemore, was previously rejected by Boggabri Coal, as 'significant' changes to the mining plan would have been required. If significant changes were required to mine deeper, and significant changes to the mine plan, then the original Mod. 8 would have been rejected as the project would not have been 'substantially the same'. But by splitting Mod. 8 into two separate actions, on the advice of the department (two separate Modifications 8 & 10), these major changes to mine deeper to the lowest coal seam; and beyond the approved mining disturbance area; as well as requiring substantial changes to the mine plan; it could be approved by just a Modification, but the original Mod 8 would not have been able to be approved as a simple Modification.

I object to this project because: Using a modification rather than assessing this 'Modification 10' as a new project which allows less rigorous scrutiny and a greater possibility of approval without any significant changes for the proponent/applicant. No bilateral decision's when Modifications replace the appropriate EIS of SSDs.

As it is now presented, Modification 10 is seeking a 4-year extension and an additional 30 million tonnes of coal up until 2040. Boggabri Coal already has approval under Mod. 8 to mine up until 2036. Modification 8 already has 11 years before the approval runs out with a 28.1 million tonnes of coal to extract.

- What is the rush to push through this approval of a further 30 million tonnes of coal and destruction of another 85 hectares of native forest, so far into the future to 2040? Why and Who seeks approval for a project that will continue for a further 15 years when they already have approval for the next 11 years? How desperate is this coal company to secure an approval? Obviously very desperate to get an approval just in case legislation changes and approvals for coal mining becomes difficult to procure.
- Mod. 10 goes **beyond the project approval mine disturbance boundary**, so therefore it should not have been deemed as 'substantially the same' it should have been viewed and submitted as a 'New State Significant Development'.

The deeper seams of Nagero, Tarrawonga and Templemore were previously rejected as an option for recovering more coal, stating the reason for the rejection of this option as *'little or no economic returns'*. But here we are now in 2025 - (Mod. 8) & Mod. 10 set on mining to the very deepest and last coal seam – Templemore.

What is the justification for this change in depth of mining? It is not substantially the same, as mining deeper was previously rejected. This should have been submitted as a new SSD.

APPROVAL CREEP is now the usual course taken by these Leard precinct open cut coal mines assisted by the department, for quick and easy approval. But to add to this approval creep, we can now add **APPROVAL BANKING**, where the continual 'Modifications' are sought and approved for many years into the future, 11years or 15years and surpass the already approved end date for previous Modification approvals.

A **21year project** to 2033 now becomes a **28year project** till 2040.

A one-year increase from the original Mod. 8 now if Mod. 10 is approved.

Mine disturbance – 1,385ha then 1,835ha then 2047ha now with extra 85ha anticipated if Mod. 10 is approved 2,132ha = an extra 747ha from year 2012.

The initial approval – 145.28 Mt of coal RoM, now 203.1 Mt RoM.

Rehabilitation – if the project goes till 2040 then mine site rehabilitation will take at least another 4 years – out until 2044 as explained at one of the Boggabri Coal Community Consultative Committee meetings.

Economics

- It's all about the money! The Royalties for the Government, the Forestry, and no one even knows how much they Forestry receives from these coal companies as it is not disclosed. And of course, the mining companies themselves, which they continue to espouse that they bring work into the regional areas, while depleting tradies in our local rural towns. The mining company CEO's and the shareholders all play a part in the destruction of the Public Forests that are so important for the habitats for our native flora and fauna.
- Last but not least the Government agencies that 'facilitate' this climate changing destruction, by allowing modifications to be used as a tool to expand mining when it is clear that if these 'extensions' were under the scrutiny of the full process of 'new State Significant Developments', the community would have more input, and many of these developments/continuations/expansions may not be approved. Just like the Moorlarben OC3 which like the Boggabri Coal mine applied to mine a further 30 million tonnes of coal, it will be going through a detailed assessment with much more scrutiny than just a mere Modification.

The same tonnage of coal, so why is Boggabri Coal given the green pass to just use a Modification?

Myself and my community deserve the justification from the DPHI, why a modification should have replaced a more robust decision-making process for this Boggabri Coal Modification 10. (Mod. 8 & 10 combined)

Biodiversity – Wildlife Corridor

- Funny how the Biodiversity Corridor ('Vegetation Corridor') was such a resource with 44million tonnes of coal to be mined, but now it is considered a '**SAFE HAVEN**' for the species that fall under MNES? Especially as Boggabri Coal needs to clear 85 ha of their habitat to now mine 30 million tonnes of coal right up to the door-step of that 500meter wide wildlife corridor (between the Boggabri & Maules Creek coal mines, 250mts in both mining lease areas) and to the deepest coal seam 'Templemore'.
- With only a barrier of 500 meters between both mines, the question must be asked how that could affect not just the native vegetation in the corridor through edge effect, but being such a narrow remaining strip of original forest how will it be able to function as a wildlife corridor while there is constant blasting, noise and dust from mining right up to the edge of it on both sides? How are native animals supposed to use this corridor for connectivity from east to west in the Leard State Forest with such disturbance?
- The Wildlife Corridor (Vegetation Corridor) was impacted in 2020 by the huge blast from the neighbouring coal mine, Whitehaven's Maules Creek Coal mine. The damage is public knowledge from an open court hearing that mentioned that there was a considerable crack approximately 0.50mts wide by approximately 20mts long, as well as damage to native trees and surrounding undergrowth. While none of this has been widely reported anywhere as the court case findings have not yet been handed down. The fragility of this corridor is in question, particularly if there were to be deep mining on one or both sides. Edge effect and blasting in close proximity to this narrow fragile native vegetation corridor is of great concern to the local community and the general public.
- The very integrity of the corridor stability. Will there be seepages or inflow of water that could cause collapse of the 500meter corridor between the two mines?

Threats to Threatened Species and Communities from Clearing!

While ever the 85 hectares of native forest that abuts the 3.5 km long wildlife corridor remains untouched, then the two threatened plant species (*Tylophora linearis* & *Pomaderris queenslandica*) would be protected and continue to thrive in their native forest. The 15 threatened fauna species and the Critically endangered fauna species would also have some of the remaining native habitat to forage and utilise in the Leard State Forest.

From the Executive Summary - CONTINUATION OF BOGGABRI COAL MINE ENVIRONMENTAL ASSESSMENT – December 2010

A total of 194 fauna species have been recorded within the Project Boundary, including 6 amphibians, 129 bird, 31 mammal and 28 reptile species.

There are 33 fauna species listed under the Threatened Species Conservation Act 1995 which are considered likely to occur within the Project Boundary. Of these, seven are listed under the Environment Protection and Biodiversity Conservation Act 1999. Two species listed as Migratory under the Environment Protection and Biodiversity Conservation Act 1999 have also been identified within the Project

Boundary.

A total of 21 Threatened fauna species listed under environmental legislation were recorded within the Project Boundary. This being; Little Eagle, Spotted Harrier, White-browed Woodswallow, Black-necked Stork, Brown Treecreeper, Black-chinned Honeyeater, Varied Sittella, Speckled Warbler, Diamond Firetail, Hooded Robin, Grey-crowned Babbler, Little Lorikeet, Turquoise Parrot, Barking Owl, Masked Owl, Yellow-bellied Sheath-tail Bat, Koala, Eastern Bent-wing Bat, Eastern Cave Bat, Eastern False Pipistrelle and Little Pied Bat.

The clearance of vegetation required for the Project will directly remove habitat for a range of Threatened fauna species.

- *'DCCEEW considers that the proposed action is likely to have a high impact on the following species:*

Regent Honeyeater; Swift Parrot; Corben's Long-eared Bat; Koala.

- *'DCCEEW considers that the proposed action may result in high to moderate impacts to the following species:*

Boder thick-tailed Gecko; Brown Treecreeper; Painted Honeyeater; South-eastern Hooded Robin; Large-eared Pied Bat; and the Spotted-tailed Quoll. And this may not be the full list of species.

Surveys don't always tell the whole story!

The trouble with surveys in the forest or anywhere for that matter, not all native and particularly threatened species are observed and recorded or recorded accurately at

the time of the survey. It should not be presumed that if a species is not found to be in a particular place in the forest at the time of the survey, then they are not there.

Swift Parrot

As with the Swift Parrots, they can be very elusive and if you are not in the right place at the right time, you will not find them, most likely they have moved on to a new foraging area. As the department is well aware, there were observations and recordings of the Migratory Swift Parrots in the Leard State Forest in the years 2012, 2014, 2022 & 2023 yet it took myself and other Ecologists many emails to have these sightings reported on BioNet. As proponents rely on BioNet for their reference history of many species, particularly Threatened species in areas that will be impacted it is incomprehensible that these sightings were not already on BioNet. I am of the understanding that if Ecologists record Threatened Species, then they must report them so they can be recorded on BioNet. Once they are up on that official site (not their exact location) then other Bird organizations can then report the general area of sightings. It took 'Citizen Science' to ensure that the recordings were on BioNet. Hence the 'phantom' appearance of these beautiful Threatened Species that visit the Leard State Forest even when our 'declining' (due to mining clearing) Whitebox and other flowering Eucalypts are flowering profusely, are now recorded as small flocks of approximately 20 birds in the last few years. The Leard may not be their main foraging stopover every year when they are migrating, but they have definitely been recorded in the Leard. So where is the comprehensive assessment of the Swift Parrots in the Mod. 10?

Controlled action?

The department is well aware of the extensive number of not just native fauna that was recorded in the Leard State Forest prior to coal mining, but also Threatened Species. Yes, this is a controlled action for Mod. 10, but what does that really mean for the surviving native species in Leard Forest? Loss of Habitat by three open-cut coal mines, working 24/7 emitting noise, dust, light (that has a great impact on our nocturnal fauna!) and the removal of many old growth hollow trees for nesting. Offsets that are supposed to reconcile the loss of nesting hollows and foraging for these native species are a joke. Offsetting for the loss of habitat and foraging trees and vegetation on distant properties won't ever support the native species that somehow manage to survive in the Leard State Forest, or encourage them to come back or thrive in the once Tier 1 grade forest, with all the clearing and disruption. Many of the smaller bird species are territorial, what happens to them? A native species doesn't have to be threatened to be an important part of a complete ecosystem! And using CREDITS to replace the loss of habitat... I can't write what I really think of that as a stupid and outrageous idea

that some idiot thought up to allow all our native trees to be bulldozed by mining companies for the sake of \$\$\$.

Every day we are seeing the effects of Climate Change and yet this government department DPHI will ultimately approve a Modification to continue to dig up coal and export it until 2040. Loss of the very 'carbon sequesters' and habitat trees, our Old Growth forest trees which will be bulldozed and not replaced until after 2040, and take over 100 years to form useful habitat for any remaining native species in the Leard State Forest.

'Question Today, Imagine Tomorrow, Create for the Future' - Boggabri Coal's Motto.

We should all 'Question Today' – Why are we digging up more coal when the world is experiencing catastrophic Climate Change?

We should all 'Imagine Tomorrow' – as a better place relying on renewable energy!

We all have the ability to 'Create for the Future' – a world where we stop clearing native forest and protect our native wildlife from extinction so future generations can enjoy a better life.

This Modification 10 should be WITHDRAWN. Boggabri Coal could re-submit a modified Modification when up to date water modelling has been submitted and scrutinised; Cumulative Impacts; GHG emissions; economic costings that reflect the downturn in coal prices; all community concerns have been adequately addressed; and a myriad of other issues can be addressed closer to the end date of Modification 8 in 2036.

I object to this Modification 10 by Boggabri Coal; it should be Withdrawn!

