

Dear NSW Government

Maules Creek coal mine is located in the north west of NSW between Narrabri and Boggabri. This mine first started in 2015 despite widespread opposition from people across NSW and the powerful objections of the local farming community and Gomeroi custodians. The community joined in force against the project with thousands of people protesting at the site over more than two years.

Nature is under threat yet again from this destructive coalmine. Communities are also negatively impacted as they deal with the cumulative stresses associated with mining. **Over 70 properties have been bought up by coal mines, hollowing out the valley. Whitehaven has been caught illegally taking water** during the last drought. This is simply a company that cannot be trusted.

The government is cautioned that coal has a use-by date and too much investment could cost the government financially and the taxpayer. Supporting coal mining workers and coal communities in a future beyond the commodity is poor decision-making. With a little more than 125,000 actual workers in the state either directly or indirectly employed by the coal mining or coal-fired power sectors, this industry thinks that it owns NSW land. Even the Minister for Natural Resources Courtney Houssos has said, “with global demand for coal projected to **decrease** over the coming decades, we want to ensure workers, communities and regional centres are given the support they need.” She rightly anticipates the dwindling markets for coal as renewables increase, but it won’t take decades.

I am strongly **opposed** to this Continuation Project based on the following arguments.

Increase of Carbon Emissions

- This proposed expansion – the Maules Creek Coal Mine Continuation Project – will dig up an additional **117 million tonnes of coal for export**.
- The NSW Government shouldn’t be approving a coal mine expansion now, that will not even start until 2034- 9 years away. A lot can change in 9 years! It is also locking in greenhouse gas emissions far into the future that we can’t afford up to 2044. That is 19 years away. How does the government know that far into the future that coal will be even needed especially as renewables increase, take over and replace fossil fuel completely. By approving mines on an unmitigated and open-ended basis, the NSW government is locking in higher emissions intensities for longer – well into the post-2030 period and extending post 2040’s. This is what industry ALWAYS does, it changes its mind with dire and worst consequences for nature, communities and climate throughout its agreed timeframe, thinking it has the right to make changes, even though after fierce community opposition Whitehaven still shows the arrogance to expect and assume expansion and extension dates will be approved by the government!
- The cumulative damage in the next 19 years that more coal will cause to communities, nature and our climate has NOT been properly considered by the Minns government. The government is taking a huge gamble and playing ‘Russian roulette’ with people’s lives and well-being and making assumptions that climate change will not be an issue for people or nature. The reality is that fossil fuel expansion has caused more climate change, has increased natural disasters and has eroded away environmental values causing a biodiversity crisis now. By 2044 it will be much worse for every living thing including ourselves. This is shameful conduct when the government has a responsibility and duty of care to NSW residents. We are fully aware of the NSW Government’s new Future Jobs and Investment Authorities model that aims to drive investment to coal regions and the pressure from the coal lobby group to oppose renewables.

The NSW government's push for coal contradicts the federal government's push for renewables- we are already 40% invested in renewables.

- The cumulative carbon emissions must be considered across all 6 coalmines that have been recently approved in the last 1.5 years. Approving coalmines and their carbon emissions on an individual basis does NOT factor in the detrimental effect of increased emissions as a total output for all recent coal mine operations.
- This Maules Creek Coal Mine continuation proposal is being put forward now even though it will not commence until 2034. The reason being is that Whitehaven is 'banking' on a government approval now, before climate laws are strengthened further due to a response to the rapidly escalating impacts of global warming in the form of more extreme weather events and the community's call to urgent actions. This deceitful company is carefully and strategically planning its moves. It knows that its emissions will make climate change worse and compromise government climate targets so it is planning ahead. I strongly caution the government giving approval for a coalmine to start in 2034 and giving extra approval for it to operate another decade to 2044. Unless you have a crystal ball I anticipate that renewables will be in full control.

Reducing Coal Markets and increased emissions

- NSW coal mining approvals are out of step with the reality of the situation. According to **Institute for Energy Economics and Financial Analysis** (September 27 2024), *"Increasing supply over the long term into a market with declining demand for Australia's thermal coal exports places these and other mines at increasing risk of financial stress."*
- This puts NSW at odds with global climate change ambitions. An International Energy Agency (IEA) Report published in September 2024 outlined a roadmap for fossil fuel production relative to full implementation of COP28 commitments.
- Coal export trade from Australia is undergoing significant change and has recently deteriorated in key markets. The Trade Map data indicates our traditional coal markets declined – all except China. Exports to our premium coal markets of Japan, Korea and Taiwan (JKT) fell by 11% in FY2024, following a 24% decrease in FY2023. China's long-term vision is to **cease imports by bolstering domestic production levels**. It has grown domestic production by nearly 1 billion tonnes in the past five years and could replicate that by 2030, according to the **Institute for Energy Economics and Financial Analysis**.
- With demand for Australia's high-energy coal in terminal decline, at some point it will be insufficient to support any mines' viability. While it's unclear if the export market will reach this tipping point by 2030, it will arrive during the extended lives of these mines like Whitehaven as it wants to run to 2044.
- Supply versus demand is not the only issue. Coalmines' emissions intensities are set to continue to grow into the future as more and more methane is emitted per tonne of coal produced. Methane is more dangerous to our atmosphere than carbon emissions. By approving mines on an unmitigated and open-ended basis, governments are locking in higher emissions intensities for longer – well into the post-2030 period.

- As the mining projects extend into deeper and more gaseous reserves (methane), the problem will only increase. The government risks enabling an **increase** in future liabilities for fugitive emissions, rather than setting them on a downward trajectory. The industry will need to adapt as global decarbonisation targets approach. Approving more coal mines now will cause a future problem.
- The government has defended its decision to approve these mines, arguing *if Australia doesn't approve the mines, then other countries, with lower emissions standards will step in*. That's a pathetic argument to justify the wrong action. What's more, the very countries claimed to lack these standards, such as China, are looking to tighten requirements to mitigate *methane emissions* in coal mining anyway. Coalmines' emissions intensities are set to continue to grow into the future as more and more methane is emitted per tonne of coal produced. Is the government forward thinking enough to mitigate the worst effects of methane emissions? The NSW government does not think through carefully enough the negative ramifications for climate, people, nature and the coal mining industry.

The destruction of Leard State Forest and Swift Parrot Habitat

- Whitehaven's 4 existing open cut coal mines in the Namoi Valley in Northwestern NSW have ALREADY cleared hundreds of hectares of the beloved and environmentally significant Leard State Forest.
- The Leard State Forest is a sanctuary for rare birds- the Swift Parrot, one of the few places on the mainland where they're still seen feeding on native blossoms. This species is '*critically endangered*'. If Whitehaven's mine expansion goes ahead, the Swift Parrot's precious habitat will be replaced by a giant coal pit. Why have a bird listed as '*critically endangered*' if the government's intent is to do nothing to save the species? The government has therefore failed to protect this species from extinction and so has NSW environmental laws that have just be updated and are touted as being 'strong for nature protection.'
- This project will clear over 500 hectares of key foraging habitat for the Swift Parrot, despite only 500 of them remaining in the wild, and will push the species closer to extinction. This is a key site for Swift Parrots that are critically endangered and must not be put at further risk.
- The project will also clear a further 428 hectares of the beautiful Leard State Forest, resulting in over 46% of the State Forest having been cleared in total for three coal mines. Our scarce and precious public lands should NOT be destroyed for coal mine profits.
- It will turbocharge dangerous climate change while destroying the beautiful Leard State Forest, endangering Swift Parrots, draining water resources and putting the health and wellbeing of the local community at risk.
- Local farmers, Traditional Owners, and conservationists have fought for over a decade to protect the cultural and environmental values of Leard Forest and the fertile lands and important water sources of the Namoi Valley, and to expose Whitehaven's illegal operations in the region. It appears that the government are still not listening to the people most affected, and the wider community.
- The mine gained federal approval in 2013 on the condition that the company secure 5,532 hectares of biodiversity offsets to compensate for clearing a **critically endangered ecological community, known as box gum grassy woodland**, essential life sustaining habitat for bird

species and is an critically endangered flora. Box Gum Grassy Woodland (BGGW) is a critically endangered vegetation type throughout NSW. From 2013 Whitehaven had until 2020 to secure its biodiversity offsets to mitigate the destruction of Box Gum Grassy Woodland. Even after 7 years Whitehaven was unable to secure thousands of hectares of biodiversity offsets as a replacement.

Whitehaven is a serial offender

- Whitehaven Coal has an appalling compliance record with many breaches that have included multiple offences. They have been prosecuted numerous times with minimal consequences to fit the crimes against nature because they are protected by the government.
- Whitehaven have been found guilty or investigated **35 times** in the last 10 years and incurred almost \$1.5 million in total penalties for offences that have included stealing 1 billion litres of water without a licence during the worst drought on record at the Maules Creek Coal mine, polluting waterways, and illegally clearing hundreds of hectares of endangered forest, breaking noise restraints, and serious workplace health and safety failures.
- This rampant destruction will massively increase if Whitehaven's new coal project continuance is allowed to proceed. ***Their shameful record is evidence that they are not fit and proper to hold a licence to operate coal mines in NSW.*** Some examples are-

1) Prosecuted in August 2021 for 8 breaches of exploration license related to clearing bushland without approval and was convicted.

2) Uncontrolled water discharge into a creek at Werris Creek coalmine in October 2020 and fined a pitiful \$15,000. What damage was done to the environment in this case to warrant such a small fine?

3) A warning letter from the Department of Planning for failing to identify and protect a cultural heritage site- only a warning letter was warranted in this case.

4) At Maules Creek, Tarrawonga and Werris Creek sites they were found out burying waste tyres on site in August 2021 with only just an official caution- too lenient again.

5) In August 2020, pollution of a local creek -Tarrawonga \$30,000 fine. Was this money ever used to restore the creek to support native wildlife in their recovery of their damaged water habitat? Probably not.

6) In April 2020 South East Forest Rescue launch legal action for Whitehaven Coal failing to secure necessary biodiversity offsets at Maules Creek when clearing endangered woodlands. How many woodland bird species were affected by Whitehaven's failures here? The seriousness of this offence cannot be overstated. The federally listed box gum grassy woodland is an ecological community on the brink of extinction. Today, there is far less than 5% left in the world. Whitehaven was given another reprieve to secure offsets. Whitehaven failed to verify that its proposed offset areas will satisfy its offsetting requirements and proposed to ***contravene its offsetting conditions***. This is a company that cannot be trusted to deliver protections for nature and actually dictates what it will and won't do.

- This ongoing arrogance and violation by Whitehaven Coal is **UNACCEPTABLE**. How much of our taxpayer money is the NSW government spending to watch, investigate, issue court findings, penalty notices, fines, suspensions, prosecutions, warning letters, court hearings and

undertakings to make Whitehaven accountable for their Biodiversity Management Plans and official cautions to Whitehaven. All these procedures and actions cost money and takes up government official's time and **we the taxpayer** are paying for this company to stay honest. They have shown they are dishonest and corrupt to the core. ***Allowing Whitehaven Coal to expand and function to 2044 MUST be REJECTED by the NSW government.***

- Accessing records and breaches of non-compliance by Whitehaven is also difficult to obtain from the NSW government. Freedom of information records just on pollution reports from the Environment Protection Authority (EPA) that should be public, took months to obtain. The government appears to make it very difficult to access information especially when it comes to environmental accountability. This information should be freely disclosed to the public and especially communities who live in close proximity to all of Whitehaven's mines. The government appears to be protecting Whitehaven so that information can remain hidden from the public. The NSW government is promoting a lack of transparency and accountability, which again is totally unacceptable.
- These are only some examples of the ongoing disgusting behaviour of a company that cannot be trusted. They have a dreadful track record. The NSW government approving expansion of Whitehaven at Maules Creek and a time frame extension to 2044 would be the wrong decision in light of the fact that we already have sufficient coalmines operating in NSW to meet our future coal needs.

Do we really need more coal mines, expansions of existing companies and expansions of their timeframe for operating (like Whitehaven)?

- The Australian Institute report in May 2021 said that the rationale for new coal mines in NSW is undermined by the fact that existing coal mines are producing at well below their approved capacity. The 16 Upper Hunter mines, or mining complexes, are approved to produce a total of 241 million tonnes of 'run of mine' coal each year, but produced just 150 million tonnes in 2020, a gap of 91 million tonnes. In other words, Upper Hunter mines are operating at less than two thirds (62%) of approved capacity. This shows there is absolutely no need to open up any new coal mines or extend the life of existing coal mines. The world has been telling us for years that it intends to use less coal in the future, but NSW Governments have NOT been listening.
- Instead, NSW governments have been listening to coal companies and their claims that they can't even afford to clean up the mess they leave behind. The mess refers to the **voids** that represent a multi-billion dollar subsidy to multinational coal companies, one that will be borne by future generations particularly living in the Hunter. Should current or future generations need to fill in the 23 mine voids to be left behind by current coal mines, the total cost could reach \$25 billion, far exceeding the \$3.3 billion paid in environmental bonds by the NSW Government. This money will not be enough for all mines in the state to meet current rehabilitation liabilities. These voids affect groundwater and often fill with highly saline or otherwise unusable water. Polling by The Australia Institute found that 77 % of Australians expected voids to be filled to "near original surface level with groundwater protected". The people's voice is being ignored by coal mining companies. The NSW security bond system currently holds just a fraction of the estimated cost of properly backfilling and rehabilitating the final voids that will be left by coal mines in the Upper Hunter. Further coal projects in the Upper Hunter are not only unnecessary – they are economically detrimental to existing operations. A moratorium on new coal mines should be adopted by the NSW Government.

- 40 coal mines currently operate across NSW. 15 Upper Hunter mines either have approvals in place or are seeking approvals to continue mining to 2035 or beyond, with several seeking extensions to operate beyond 2040. Beyond the Upper Hunter region, another 15 NSW coal mines either have approvals in place or are seeking approvals to continue mining into the 2030s. That's 30 coal mines wanting approvals to continue mining at least past 2030 and up to post 2040. That equates to $\frac{3}{4}$ of the coal mines that currently operate in NSW wanting time frame extensions.
- 6 of those mines are either approved or seeking approval to operate until 2040, and several are seeking extensions to operate beyond 2040 which includes Whitehaven. With all these approvals we will be saturated and over-invested in a commodity that will decline quicker than you think. Not to mention that reducing our NSW carbon emissions will be impossible to achieve!

Water and communities at risk

- Whitehaven has already had a negative impact on the local communities. Whitehaven's 4 existing open cut coal mines, have had significant impacts on the local farming community with mine buy-outs, intolerable noise and dust pollution, and loss of stream flow in local creeks.
- This Whitehaven timeframe expansion poses a major risk to local water resources – it will suck down water beneath local creeks and the groundwater used by farmers to water their stock. Whitehaven has already been prosecuted for stealing water at the Maules Creek coal mine at the height of the last drought. Can they be trusted in the next drought?
- The expansion will harm the local farming community at Maules Creek and cause negative social impacts.
- It will further empty the district of families through alienation of productive land, and create dangerous dust pollution and escalating noise for surrounding areas, whilst creating division and conflict. It will exacerbate the housing crisis in the region.
- Local farmers will be affected by more Whitehaven breaches of a range of failures relating to increased dust, noise levels and polluting waterways if Whitehaven Coal is permitted to expand their **Maules Creek coal mine**. The EPA failed to address this properly with Whitehaven Coal back in 2017 after individual landowners made repeated complaints about these issues. Penalty notices, independent mandatory environmental audits to assess compliance, review of monitoring equipment still did not address local community concerns and non-compliance of Whitehaven still continues today.

Conclusion

The government are wrong if they approve Whitehaven and will regret this decision financially and environmentally with an increase of carbon emissions as well. Additionally and most importantly approving the Whitehaven project to expand and operate to 2044, WILL exacerbate more climate change, increased natural disasters, more of the community struggling to be able to afford to insure their homes in fire hazard areas or flood areas, more people becoming homeless because of increased disasters and their increased severity, resulting in more poverty, hardship, emotional and

financial stress, and family breakdowns will be the cost that the community pay. The government will be responsible for human suffering if they approve this project continuance.

Nearly 40 coal mines currently operate across NSW, including 17 in the Hunter region, with most involved in export coal markets. We currently have enough coal mining in NSW to meet our needs. The government's insatiable desire to approve more coal mines and timeframes is not about meeting our needs, it is about driving the NSW economy to sell coal to overseas markets that are more than likely to decrease from 2035 or earlier. This current investment and focus by the government will cause economic problems for NSW's future.

The government will be responsible for the decline of living standards for many people especially in regional NSW. Think long and hard about this decision.

Whitehaven are serial offenders who have repeatedly broken the law, with devastating consequences for water, the environment and local communities. I strongly urge you to put the welfare of the NSW public ahead of the mining sector in this decision regarding Whitehaven, as we already have enough coal. Whitehaven as a company do not have a good track record when it comes to their past actions and with their repeated offending behaviour they clearly cannot be trusted.

For the reasons outlined I **strongly object** to Whitehaven's Maules Creek Coal Mine Continuation Project.

Thank you

Martin Derby