



## Oatley Flora & Fauna Conservation Society Inc.

Protecting the local environment since 1955

Celebrating our 70<sup>th</sup> Year!

7/08/2025

### Submission to NSW DPHI

#### Re: Whitehaven Coal Maules Creek Continuation Project – proposed extension to 2044

#### 1. Introduction & Standing

Oatley Flora and Fauna Society is a community-based environmental group dedicated to protecting native species and ecosystems across New South Wales. This submission is lodged under the public exhibition for the Maules Creek Continuation Project SSDA, which would extend the mine's life until 2044, adding nearly a decade to current approval to 2034.

We strongly urge the NSW Government NOT to approve this mine expansion. If approved, it will threaten the critically endangered Swift Parrot, fragile hydrological systems, and local communities, and it follows a pattern of proven legal and environmental breaches. Whitehaven Coal do not deserve to gain any further approvals.

#### 2. Threat to Swift Parrot & Leard State Forest

The expansion requires clearing approximately 676 ha, including 548 ha of known Swift Parrot foraging habitat within Leard State Forest, a nationally outstanding site for the species. Expert modelling indicates that this would remove up to 50,000 Swift Parrot feed trees, including more than 19,000 mature White Box trees—vital food sources for the parrot's survival.

Leard State Forest is one of the *few documented sites* where Swift Parrots have been consistently recorded feasting on native blossoms (over at least four years across an 11-year period, showing “high fidelity” to the site). At least 20 individuals have recently been observed in the area. This submission urges that such core habitat not be destroyed, since revegetation cannot replace mature foraging habitat at the scale or pace required for survival.

#### 3. Proven History of Environmental & Water Breaches

- **Illegal water extraction:** Whitehaven pleaded guilty in April 2021 to unlawfully capturing over 1,000 megalitres (1 billion L) of surface water between 2016–2019 via unlicensed dams and storages during one of the worst droughts on record. It was fined A\$200,000—well below the allowable maximum of A\$2 million—and widely condemned as a “slap on the wrist” that fails to deter further misconduct.
- **Water regulator enforcement:** NRAR prosecuted the company for breaches of the Water Management Act, charging mining operations with capturing clean surface flows, diverting water away from downstream users, and failing to construct required diversions. Compliance required dismantling an illegal dam and constructing new water management infrastructure.
- **Water pollution incidents:** In 2022, Maules Creek Coal was convicted in the NSW EPA's Land and Environment Court for three contamination events where sediment-laden water (including explosive polystyrene beads) escaped the site and polluted Back Creek. The mine was fined A\$158,750 and ordered to bear EPA investigation costs.

In total, Whitehaven has been found guilty or investigated more than 35 times, incurring nearly A\$1.5 million in fines, yet continues to operate with repeated breaches—evidence it is not fit and proper to hold a licence to expand further.

#### 4. Broader Impacts on Water, Ecosystems & Communities

- **Groundwater depletion & baseflow reduction:** Community accounts and independent reports describe groundwater drawdown of up to 5 m in local aquifers, affecting stock and household water supplies. Pumping and water diversions are impacting riparian zones along Back Creek and groundwater-dependent ecosystems, with vegetation die-off evident.
- **Endangered ecological communities cleared:** The original project cleared about 1,665 ha of Leard State Forest, including 540 ha of critically endangered White Box grassy woodland. The current proposal will further degrade these communities and undermine offsets that have delivered little genuine conservation gain.
- **Community disempowerment & dust impacts:** Local residents report decreased property values, community fragmentation due to company land purchases, dust deposition (estimated 18,000 t per year across the region), and health risks. Residents are regularly denied access to water and consultation regarding critical monitoring and planning documents.

#### 5. Climate & National Interest Considerations

Whitehaven's plans envisage ramping up annual coal production to 14 mtpa between 2028–2045. This conflicts with Australia's climate obligations and global scientific consensus that no new coal expansion is compatible with limiting warming to safe levels.

#### 6. Recommendations

We request that DPHI:

1. **Reject the Maules Creek Continuation Project in full.**
2. If not rejected, require robust safeguards, including:
  - No clearing of Swift Parrot feeding habitat; an enforceable moratorium on disturbing identified feed trees.
  - Full independent audits and restitution of water taken unlawfully.
  - Restoration of illegally diverted water flows and decommissioning of unlawful infrastructure.
  - Establishment of transparent community oversight mechanisms for water, air, and biodiversity monitoring.
  - Strong Claw-back triggers if further breaches occur.
3. Conduct a cumulative impact assessment accounting for Tarrawonga, Boggabri, and other mines leasing Leard State Forest, and ensure that offsets are truly no net loss.

#### 7. Conclusion

Leard State Forest is one of the last refuges where the critically endangered Swift Parrot feeds in winter–spring. Whitehaven Coal's history of environmental wrongdoing—particularly illegal water extraction, pollution, and habitat destruction—combined with the climate and cumulative biodiversity risks posed by this proposal, compel outright denial. If approved, this expansion would set a dangerous precedent and further imperil key species and communities.

On behalf of Oatley Flora and Fauna Society, we strongly urge DPHI to protect aquatic ecosystems, endangered species and local communities by rejecting the Maules Creek Continuation Project in full.

Yours faithfully,

A handwritten signature in purple ink, appearing to read 'Kim Wagstaff', is written in a cursive style.

Kim Wagstaff  
President