

Dear NSW Planning Committee

As this project- Mod 3 Pit 8 Extension is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* it should and must be assessed under the bilateral agreement between the NSW and Commonwealth Governments.

The Peabody Energy Wilpinjong Coal Mine has approval to mine 16 MT/year to end of 2033. That is still another 8 years away. It is a wholly open cut operation disturbing over 30km² of farmland and high biodiversity values between Goulburn River National Park and Munghorn Gap Nature Reserve. Both these areas contain ecological communities worth protecting under the EPBC Act. Peabody is seeking to expand their mine right to the boundary of Wollar village. This means residents could lose their homes.

The project's purpose is to facilitate a much larger expansion in the near future that surrounds Wollar village that will also negatively impact important conservation areas. This 'modification' proposal should be ASSESSED AS A NEW PROJECT.

Key points of objection:

1. Not substantially the same project

This is a first stage of a bigger mine expansion and should be assessed as a new project. **The reason that Peabody want it assessed as a modification only is to minimise the environmental assessments and manipulate the planning process so that they gain approval. The proposed mine expansion should not be assessed as a modification because it differs substantially from the current approved mine.**

It is not the same as the current mine approval because this project-

- Falls outside the current mining lease
- Is part of a larger expansion project
- Extends it mines to Wollar Village boundary
- Encroaches on Wollar Creek catchment
- Destroys an endangered microbat hotspot
- Causes additional biodiversity impacts under Federal environmental law- endangered species
- Destroys a new area of Aboriginal cultural heritage significance

2. Aboriginal Cultural Heritage impacts

It is disturbing that an additional 155 ha will lead to a loss of Aboriginal cultural heritage and spiritual landscape for Wiradjuri Nation.

Wilpinjong Mine area is significant for Aboriginal cultural heritage with over 1,000 sites recorded over many years. There is ample evidence of continuous Wiradjuri occupation of the region with spiritual connection to country. Mod 3 will cause the destruction of an additional 15 sites. This shows zero respect to First Nation People's cultural heritage. There is also a strong Aboriginal Heritage attached to the area with 300 or more Aboriginal sites that could be affected. Respect for Aboriginal People as the First Custodians of the land must be actioned by governments not just with empty words in policy but demonstrated by clear refusal of industries that damage this cultural heritage. This project does not respect Aboriginal cultural heritage.

The assessment report has excluded Cumbo Creek realignment and Rocky Hill as significant cultural heritage sites and this presents as a red herring causing serious concern.

This is a confusing and cynical exercise on the part of Peabody Energy attempting to offset the impacts of the proposed mine expansion. Emphasis throughout the assessment reports focus on the exclusion of these two areas from the existing mine approval and creates a level of confusion and distraction. There is no requirement to seek a modification to leave coal in the ground. Cumbo Creek was never going to be diverted as too costly and Rocky Hill should never have been approved for destruction. The belated protection of the significant Rocky Hill cultural heritage site under the current approval for Pit 8 should not detract from the destruction of an additional 15 sites within the proposed mine expansion.

3. **Biodiversity impacts**

It is disturbing that an additional 155 ha will lead to the destruction of more important habitat for the nationally threatened Large-eared Pied Bat, Eastern Cave Bat that are threatened microbats, the Regent Honeyeater and Koala. This project has NOT recognised the threatened status of the flora and fauna that WILL be severely and negatively impacted further by this mine's expansion. These species are already threatened and struggling. This project is heading these species on a downward trajectory towards extinction in the wild.

The proposed extension of mine disturbance will significantly also impact **two critically endangered ecological communities (CEEC) and eleven endangered fauna species**. The threatened listing is at a high level of endangered and critically endangered. The government under the EPBC Act is obligated to protect these ecological communities and fauna species. Based on this reason alone the project MUST be rejected. Critically endangered ecological communities provide the habitat needed for species survival. This project will undermine the ability of fauna and flora species to survive. Peabody does not care about nature but the community and wider communities do. Past history shows clearly that when mines expand they destroy environmental values. They should and must not be given a free pass to destroy our natural world.

Endangered microbats: The new open cut area contains the highest density of the endangered Large-eared Pied Bat and Eastern Cave Bat in the region. Two rocky hills will be removed, which are at the centre of the hotspot. These are critical breeding habitats including known maternity sites, resulting in a **Significant and Irreversible Impact (SAIL)**. This is also enough reason to reject this project completely as the impact is significant and irreversible! We need bats as healthy ecosystem engineers who through their constant seed dispersal regenerate new flora.

Box Gum Woodland CEEC: The assessment fails to adequately consider indirect impacts from the proposal on the Box Gum Woodland that is listed in NSW as a critically endangered ecological community (CEEC) and understates the extent of the mine's impact. This community is identified as groundwater dependent. The potential impacts of the proposed groundwater drawdown is not even considered or assessed.

Regent Honeyeater: The proposed expansion will directly remove mapped areas of important habitat for the critically endangered Regent Honeyeater. There are current records of breeding activity in the district that are not recognised in the assessment report.

Koala: Impacts on landscape connectivity and koala corridors will result from this mine's expansion. Additionally, expansion of open-cut mining forms an extensive and hostile barrier between the locally significant conservation areas of Munghorn Gap Nature Reserve and Goulburn River National Park. This mine proposal expansion will remove the closest points of intact remnant vegetation on the valley floor currently forming stepping stones of habitat between these two reserves for a wide variety of woodland birds including the Critically Endangered Regent Honeyeater and mobile fauna like the Endangered Koala. Native wildlife must have intact corridors so that they can move safely between these conservation areas. Without them they can become easy prey to predators.

- **Munghorn Gap Nature Reserve**

This is a protected nature reserve in the Central Tablelands, 35 km north-east of Mudgee. Many plants and animals are at their eastern or westernmost points of natural distribution. The reserve is situated at one of

the lowest points of the Great Divide with natural streams that reach to the Hunter River and the Darling River. Munghorn Gap Nature Reserve has management strategies in place to protect and conserve the values of this park, that will be seriously undermined by this project if approved. The reserve is particularly noted for the high bird diversity. It lies within the Mudgee-Wollar Important Bird Area identified by BirdLife International because of its importance to the survival of **critically endangered Regent Honeyeater**. Typical mountain or eastern forest birds such as the Superb Lyrebird and the Satin Bowerbird are present along with emus, cockatiels and some 164 other species of birds that have been recorded in the area and are all deserving of protection.

- Goulburn River National Park

A national park north-west of Sydney in the Hunter Valley region that contains beautiful surroundings, forest and the Goulburn River. The park is a sanctuary for eastern grey kangaroos, red-necked wallabies, wombats, emus, goannas, platypus, and a wide variety of birds like the turquoise parrot. This park also lies within the Mudgee-Wollar Important Bird Area identified by BirdLife International because of its importance for the survival of the **critically endangered Regent Honeyeater**. **This bird is listed on the IUCN Red List**. A March 2021 research study warned that the rapid decline in the rare songbird means its young are struggling to learn mating calls as adults disappear, which could further strain conservation efforts and the bird's ability to avoid extinction. A captive breeding program is in place but with reduced habitat and its food sources, its survival is compromised. This bird is so endangered that there is the real possibility of it going extinct in the wild with only 300 adults remaining. Conservation efforts to support the Regent Honeyeater have positive effects on many other species that also share its habitat. With independent (Birdlife Australia) and government conservation efforts already in place approving this project will seriously contradict and oppose all the objectives of the conservation plan that is currently in place. On this one point alone **this project MUST be rejected**. I strongly disagree with the government's statement, "The Department has reviewed the scope of the modification application and considers that the modification would not significantly increase the environmental impacts of the projects as approved and that the project would remain substantially the same as originally approved." This project if approved WILL change the natural landscape and negatively impact many fauna and flora species. On this point alone this project has changed substantially and must be considered as a NEW PROJECT. Peabody will make changes throughout the process making modifications as they go to exploit the natural environment even further at a cost to species survival. There will be population collapses in the area that could lead to species extinction like the Regent Honeyeater. This is a selfish project whereby Peabody has NOT recognised their environmental responsibilities, hence assessments are not properly or thoroughly complete because they do not care.

4. Wollar Community

Wollar community is preparing to rejuvenate and rebuild including a return of Aboriginal people through successful land claims. The Central West Orana Renewable Energy Zone (CWOREZ) starts at Wollar being the first approved REZ in NSW. Wollar is the starting point for the transition to clean energy. There should be no more expansion of coal mining in the area as this contradicts the focus of renewable energy. The project's mining intentions is proposed to the boundary of Wollar Village.

The Wollar community will experience Increasing pollution through poorly assessed noise, dust, blasting, onsite coal ignition (spontaneous combustion), lighting and water contamination. This will result in a decrease in people's quality of life. Again Peabody's lack of responsibility in people's decreased standards of living does not seem to bother them.

5. Social impacts

Increasing social impacts, loss of amenity and an ongoing disturbance of a rural way of life presents a major social impact for the community.

The proposed new area will take open cut mining operations to the boundary of Wollar Village. Pollution from current mining has caused significant health and well-being impacts on the Wollar community forcing many people to sell up to Peabody Energy and leave the district. The depopulation directly attributed to mining has not been addressed. The Social Impact Management Plan for the current approval identifies that mining and workforce would start ramping down in this year of 2025. Remaining community members are preparing to rebuild and reinvigorate the community. This proposed new expansion now adds to the community a future of uncertainty and increased stress levels further threatening mental health and the wellbeing of residents. What was meant to be a new start for the community in 2025 has become a selfish exercise in the expansion of a project that was meant to slow down, instead it has plans to increase its negative impacts. This is NOT a modification to the existing project but a completely NEW project. The Social Impact Assessment identified seven positive social outcomes if the proposal doesn't go ahead and only two negatives.

6. Water Impacts

This project will permanently alter and degrade alluvial groundwater sources and surface flows in the Wollar Creek catchment.

It will cause a groundwater drawdown of over 20m and loss of groundwater (base) flows to Wollar Creek of over 21 million litres per year. No monitoring has been done within the area of mine expansion to establish a baseline or measure impacts from current mining operations in Pit 8.

Terrestrial Groundwater Dependent Ecosystems (GDEs) have not been adequately assessed including those within the boundary of Wollar Village that provide significant ecological and aesthetic values. Why are there a myriad of assessments that have not been completed by the proponent?

Wilpinjong Mine has a poor history of water management and modelling by intercepting more water than predicted. Increased salinity loads of up to 3.5 tonnes salt per day in mine discharge are a potential downstream water quality impact. Again a negative impact to water that will affect wildlife and people that depend on healthy water supplies.

7. Climate Impacts

Releasing over 25 MT of additional Greenhouse Gas emissions works contrary to the state's net zero targets. This project will slow down the transition to a clean energy future – competing with the Central West Renewable Energy Zone that starts at Wollar. The argument that this project is needed to provide regional jobs is false as there is already a huge workforce shortage for renewable energy projects in the Central West. A 'greenwashing' strategy used by Peabody to elicit government support for their project.

Wollar is at the crossroads of the renewable energy transition at the start of the Central West Orana Renewable Energy Zone. To help the transition and save Wollar, we need to say no to Wilpinjong Modification 3.

There is no economic justification for this project. The increased climate change impacts will cost more than public income generated through royalties and taxes .

The proposal has been assessed to contribute \$21 million of net public benefit. This would not even cover the costs of current climate change generated extreme weather events. The additional greenhouse gas emissions will cause an even greater public cost. Taxpayer money wasted on a project that increases emissions that have the potential then to increase the severity and occurrence of natural disasters that will cost the NSW taxpayer even more money. Peabody does the damage and walks away.

There is no need for extended coal mining in the region to provide local jobs. Mining is now competing for skilled labour that is urgently required in the construction, housing and renewable energy industries. There is a major labour shortage in the Central West with local workers needed for the CWO REZ construction.

The fact that this mining project boasts that it will provide regional jobs is unnecessary. Regional jobs are already available in these other industries. Many industries may face a shortage in workers instead.

The NSW Government has prioritised the Central West Future Jobs and Investment Authority to manage the **transition away from coal mining**. The Mudgee region has many opportunities to diversify their economy without including mining. Mining is not needed in this area to provide jobs anymore!

8. Summary

This Project represents a serious erosion of environmental values under the EPBC Act. The further expansion of coal in the regional area of Mudgee WILL undermine the well-being of residents in Wollar Village. Tagging this project as a proposed mine expansion is misleading and deceitful. It is a new project that if approved will jeopardise environmental conservation efforts already established to maintain environmental values of flora and fauna in both the Munghorn Gap Nature Reserve and Goulburn River National Park.

There is no justification for this coal mine expansion that will destroy more Wiradjuri cultural heritage sites, decimate a biodiversity hotspot for threatened microbats and critically endangered Regent Honeyeaters and impact Wollar Creek, as well as causing more social distress for the community. Additionally the negative impacts to people and their community MUST be considered above the interests of industry namely the Mod3- Pit 8 Extension.

The NSW government is advised not to power **ahead with the coal expansion in the Mudgee region** where Peabody is seeking to expand their mine right to the boundary of Wollar village and destroy ecological communities along with threatened flora and fauna.

What is a concern is that **this is the first step in a giant expansion plan by Peabody**.

I therefore strongly urge that this project be **rejected in its entirety**. Many aspects have not been given the proper attention by Peabody and because of the multiple changes and new impacts involved, this project is NOT a modification but a new project that should be considered under that classification.

Thank you,

Martin Derby