



Country Women's Association of NSW

ABN 82 318 909 926

Incorporated in 1931 by an Act of NSW Parliament

*All Communication to be addressed to the Secretary of Maules Creek Branch
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8 June 2020

Dear Rose-Anne Hawkswood,

Re: Maules Creek Branch of the Country Women's Association of New South Wales Objection to the
Modification of Project approval PA 11_0047 Boggabri Coal Mine
Modification 8 **Increase in depth of mining**

Currently BCOPL intends to seek a modification to SSD 09_0182 (MOD 8) under Section 4.55 of the Environmental Planning and Assessment Act. The changes involve:

1. a) increasing the approved maximum depth of mining down to the Templemore Coal Seam (and associated mine plan amendments) to recover an additional 61.6 Million tonnes (Mt) of Run of Mine coal resource within the currently approved Mine Disturbance Boundary, **but outside the approved depth of mining**, resulting in a six year extension to mine life (i.e. from 31 December 2033 to 31 December 2039); and
2. b) construction of a specifically designed fauna movement crossing of the existing haul road between the mining area and the Mine Infrastructure Area to encourage the movement of fauna from the Leard State Forest to the Southern Rehabilitation Area.

Also

- Seeking approval for an increase in height to 400m RL
- conduct an assessment of the Conceptual Final Landform Design to be established as part of this Modification;
- Consider how the proposed modification of the rehabilitation and final landform design may affect integration with adjoining Maules Creek and Tarrawonga Mines; and
- develop assessment, mitigation and management recommendations that may be required to address any potential reductions in GHG, erosion stability resulting from the modification.

We object to this Modification 8. Boggabri Coal Mod 8 is not in the public interest and must be rejected for the following reasons:

Community expectation: This Modification must be assessed under the principles of Ecological Sustainable Development as our economy transitions to zero emissions. Global demand for coal is in decline. The majority of the coal from Mod 8, unless otherwise stated is thermal coal. The known markets for Boggabri's thermal coal, are transitioning out of coal by 2030. Community expectation in NSW and around the world, is for governments to move to rapid action to address climate change by stopping new coal mining.

In NSW the vulnerable are increasingly exposed to heat stress, water depletion and drought. Lives and livelihoods are at stake. Increasing global warming through Mod 8 approving an additional 61 million tonnes of coal mining on top of 135 MT and then the burning fossil fuels will create unacceptable

impacts to the broader community, local community and current and younger generations and the taxpayers of NSW.

massive unacceptable impacts Mod 8 is more like an extension project rather than a Modification. The coal seams may be in the disturbance boundary footprint, but are critically are outside the approved depth of mining boundary. And for good reason. Boggabri Coal Mod 8 has many significant modifications and massive unacceptable impacts acknowledged in the data.

Mod 8 new coal. It has claimed extensive government stakeholder consultation including quoting “The NSW Government’s Net Zero Plan Stage 1: 2020-2030 was released in March 2020.” However, the key way the “NSW Government’s 2020 Strategic Statement On Coal Exploration And Mining In NSW” (p.9.) committed to reducing GHG emissions from coal mining was from fugitive emissions. We note that Mod 8 is rich in fugitive emissions, has no way to manage it and must not proceed.

Even more recent government information, e.g. from NSW Treasury, the NSW IPC, and changes in the Commonwealth Federal Law and the government’s duty of care to children to protect them from climate impacts mean this project must not be approved. These pieces of new information are crucial policies and laws to inform NSW’s net zero plan and the rejection of Mod 8.

Rapid shifts noted by NSW Treasury modelling, the recent NSW IPC finding in the Hume Coal rejection and in the Federal Court Case in *Sharma v the Environment Minister*; show that there is no place for this project in NSW Planning. This new coal Mod project will be an economic, social and environmental drag on our region and the State and it must not be approved.

Fugitive emissions, inability to manage the emissions: Boggabri Coal seek to access very gassy coal seams, and is focussing on keeping carbon intensive industry dominating our region for many years to come. This will come as a huge cost to our region and our local community that has not been assessed adequately. Yet any mitigation and management recommendations and requirements that should already be available to the community in this Modification report will not come until after the approval. To date, we have not seen any improvement in the environmental performance of Boggabri Coal’s GHG minimisation.

We note that:

Condition 24: ... requires the implementation of “all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.”

Schedule 5

3. (f) requires a “program to investigate and implement ways to improve the environmental performance of the project over time”.

For the Boggabri Mine project the Scope 1 and 2 emissions intensity of ROM coal mined has remained steady- 0.025 - 0.027t CO₂-e per tonne of ROM coal mined.

Further, in regard to fugitive emissions, Idemitsu expects a great increase in emissions, with no mitigation measures proposed. This is unacceptable and is indicative of an ongoing inability to minimise or mitigate the release of GHG emissions.

Climate Impacts from emissions: Climate impacts due to scope 1 and 2 and 3 carbon dioxide emissions from this project are exacerbated. Mod 8 will cause a massive increase by four times on the

reported 2020 Annual Review. In this report Boggabri Coal reports its Scope 1, emissions of 174,391 kilo-tonnes and Scope 2 were 16,865KT. This Modification assessment indicates a sharp rise of Scope 1 carbon dioxide emissions, 740,000kt and then 810,000kt from this Mod 8. Diesel seems to be remaining constant. But this Modification will approve a huge increase in fugitive emissions. Fugitive emissions cannot be managed reasonably or feasibly once the deeper seams are breached and the gas is released.

Climate impacts from global warming exacerbated even by a fraction of a percentage must be avoided. Any new coal mining expansion is placing pressure on the State's renewable energy gains by adding to the State significant contribution to greenhouse gas emissions. The GHG increases, as attempted by Boggabri Coal, to be portrayed as a small portion of Australia's emissions, is really very large. If it is considered a small contribution, it actually illustrates what a massive carbon drawdown Australia must undertake this decade.

Climate local impacts: Our lives in this region and specifically in Maules Creek are already worse due to impacts from climate change and mining. The most recent drought, and the extreme heat, the drying landscape and fires in the Nandewar Range are recent examples. Reducing these impacts by rejecting this Modification would improve the outcome for local and international communities and contribute to a positive NSW state outcome.

Recent new coal and gas approvals (already measured at total nearly 90 million tonnes,) are bad for releasing new greenhouse gases into the atmosphere. Boggabri Mod 8 has huge Scope 1 and 2 emissions, (i.e. operational emissions; direct emissions of methane and carbon dioxide at mining operations and emissions arising indirectly from electricity use). A monitoring and a study after the approval is not enough when the problem is so large. This project must be rejected and this coal and its GHG emissions must remain in the ground.

Intergenerational equity impacts: This new coal modification's significant GHG contribution to global warming makes this Modification against our children's rights to a safe climate. Mod 8 is applying to produce 152 Mt CO₂-e of GHG. We say that this Modification is against the community and public interest.

and will result in intergenerational and intragenerational inequity. We note that on 31 August 2021, the NSW IPC found that the 106.7 Mt CO₂-e of GHG emissions from the Hume Coal mine "are not justified" and "would result in intergenerational inequity".

We have found that MOD 8's GHG footprint is significantly larger than Hume Coal's.

The Commissioners determined that

- "the Project would be a new net-emitter of GHG emissions. When weighed against the relatively minor economic benefits of the Project, the GHG emissions are not justified" (pg 61)
- "The Commission notes that GHG emissions of the Project would result in intergenerational inequity. While there would be relatively minor economic contribution being realised during the life of the mine, the adverse impacts of climate change are likely to extend well beyond that timeframe." (pg 60)

This is a significant determination and we ask that this be applied to this project particularly as there is

no certainty that a strict condition could work and there is no plan proposed to minimise and reduce GHG emissions throughout the life of the mine.

inequity

Slowing down the transition to a fossil fuel free economy, by prolonging Boggabri Coal will increase the inequity to local, vulnerable communities and people. There is little (if any) useful economic or social contribution to the economy by approving an expansion when customer countries that have subscribed to the Paris Agreement are getting out of coal rapidly. Transitioning our economy and communities is necessary, new coal is not.

The local cost and consequence of not transitioning our regional and state communities will extend well beyond the life of the mine and affect current and future generations. For example this project as modified will have an increased cumulative impact with other mines in the region, along with its individual contribution to global warming. There is such a need for urgent action, extending mining under current policy, that is still heavily subsidised by state and commonwealth government will make our lives harder. This money needs to be prioritised to fixing climate change. We urge you not to approve this Modification.

What have we got to look forward to?

For years we have support the call for the Gunnedah Basin Health Impact Assessment process. But this has not occurred. The Boggabri Social impact assessment may benefit the proponent but it will also lower the public health outcomes for us and in the wider region.

Environmental and Social Impacts: Another six years of mining until 2039 will exacerbate the poor community outcomes. Monitoring for Blasting, noise, dust, surface and groundwater impacts are inadequate and reliant of self-reporting for compliance and to validated modelling. This becomes a problem to the agencies when a case goes to court to prove harm in order to manage the project. More of this kind of impact is not welcome or wanted.

Recently Boggabri Blasts said to be up to 12 kms away have been shaking our houses, blast fumes that occur at the times of Boggabri blasts, regularly make Maules Creek resident's eyes water and feel unwell. Yet a complaint or report to the EPA will find that the mine is compliant within monitoring limits. The impacts are felt, but the mine is compliant. Something must be wrong. In the absence of specific, measurable and enforceable conditions, this mod will increase the burden on our families and community.

What will our lives, our children and grandchildren's lives, aspirations and businesses look like by 2039 if coal mining continues and grows here on multiple fronts with this proposed expansion and whatever modifications are to come and under the current "business as usual scenario?"

The SIA suggest more of the same approach, management and mitigation. What will our overall experiences and health look like going forward under this scenario? Has the consultation, information, engagement and more notifications improved our lives? Or has it simply positioned us as information-rich bystanders.

We disagree that more mining in our region is good for public health especially in light of our urgent need to manage the climate crisis. It wastes a lot of time and community and government resources. We do not need new coal as well. The IPCC Report predicts searing heat, high risk of fires and drought

on top of the additional local impacts is not welcome. More emissions, water drawdown, water licences purchased for coal washing, soil degradation, cumulative dust, noise, blasting and deep vibrations are added stresses and strains. Extending this for six years is against community expectation.

Health Harm impacts: According to the official media for the United Nations on Climate Change, "The risks to health of increases above 1.5°C are now well established. Indeed, no temperature rise is 'safe'". Coal contribution must be phased out. This mine expansion/modification if approved will work against the world and harm individuals and communities. This article in the Lancet supported by the editors of 220 health journals worldwide explains and is calling for urgent action to limit global heating to reduce impacts to individual, societies and economies including farming. <https://bit.ly/3kVE6xj> For example in our region there is an increase in the likelihood of ecological, and agricultural drought and an increased likelihood of ground water drawdown and ongoing surface water take when mine's become desperate and take any water it can get.

This kind of coal expansion planning for our region will exacerbate ongoing community inequity, fragmentation and misdirect regional focus into a false carbon-based economy rather than local and state government's planning focus on existing greenhouse gas drawdown, sustainable food production, culture, landscape and water protection and sustainability.

The transition of our community out of fossil fuels will be hampered by any expansion and any approval of new coal.

- To save lives and livelihoods from greenhouse gas impacts caused by this additional 61 million tonnes of coal being applied for, must be rejected. Based on its own assessment, it requires accessing or drilling through gassy coal seams.

These scope 1 fugitive emissions must remain as deeply buried coal.

Claiming a massive "estimated annual average Scope 1 and 2 emissions from BCM (including the changes sought by MOD 8) represent approximately 0.13% of Australia's 2019 emissions," is alarming. Australia is the worst of 193 countries in taking action on Climate change.

The transition is on, locally and globally. For example from Treasury, the NSW economy and fiscal outlook is very sensitive to global coal demand and the broader energy transition even now in 2021 and going forwards. The State has modelled and found that a disorderly transition as created by continuing new coal projects, is not a benefit to the state at all. Treasury modelling argues that external market conditions and climate change factors cannot be mitigated and there is significant risk posed by new coal approvals. It acknowledged that declining global coal demand will impact the economy and NSW budget more than predicted in 2016. Further, NSW and the Commonwealth Govt have no control of the lowering coal demand. In fact the paper says that the best thing to do in this situation is not new coal but to rapidly increase the uptake of electric vehicles.

"While it is clear the NSW Budget is sensitive to differences in global demand for coal, the modelling in this paper finds that a slow and disorderly transition to renewable energy could pose an even more significant risk to the fiscal outlook. Furthermore, the State's economy could benefit from higher electric vehicles uptake as they are powered by relatively cheap renewable electricity generated within the State, rather than imported and more expensive petrol."

[https://www.treasury.nsw.gov.au/sites/default/files/2021-05/2021_igr_ttrp - the sensitivity of the nsw economic and fiscal outlook to global coal demand and the broader energy transition for the 2021 nsw intergenerational report.pdf](https://www.treasury.nsw.gov.au/sites/default/files/2021-05/2021_igr_ttrp_-_the_sensitivity_of_the_nsw_economic_and_fiscal_outlook_to_global_coal_demand_and_the_broader_energy_transition_for_the_2021_nsw_intergenerational_report.pdf)

This Mod 8 project must be rejected.

Surface Water and Groundwater and GDE impacts: The local environmental, social and economic impacts are unacceptable. In ordinary times and particularly in drought times, (said to be worse and last longer under all International Panel on Climate Change 2021 scenarios): Boggabri Coal's operations contribute to the drought and landscape desertification and groundwater drawdown.

We are very aware from the BC's Annual Review (2020) that it is not working to the Surface Water Management Plan. The maps in this Mod 8 show Nagero Creek, and others (possibly unnamed) streams, connecting into the mine pit from the north. This is not consistent with the mine's 2010 Environmental Assessment and the original plan to divert clean water around the pit. We are further aware that monitoring of water is very difficult. This is a serious issue for compliance. As has been witnessed recently in the NRAR water case against the Maules Creek Mine. When a mine's own monitoring of surface water was considered unreliable by the defendant, it raises many questions around how compliance can satisfactorily occur within this "business as usual" model.

Water scarcity is a big issue in this area. We object to this modification allowing the ongoing non-compliance to be a part of a modification. We further object to the impacts to the Namoi River and Zone 4 and the Bluevale Water source from the water taken.

Water Drawdown impacts: The recent drought exposed two things: how vulnerable our region is to water loss and how mining companies behave within our community and the Project Approval consent condition of "working to available water supply". There is little faith that a company will reduce its production when water is short. We have seen that this condition simply means outbidding farming needs for water or taking water without licences and forcing changes from water designated for food production/farming and family to industrial/mining use. This is a waste of clean, beautiful water and not acceptable. The most recent drought showed how unsustainable mining is in our water stretch region. Therefore, the Groundwater assessment increasing the groundwater inflow into the pit by a third on current approval.

Digging deeper will cumulatively contribute to the risks of greater groundwater drawdown for our community from the Boggabri Coal project and within the Leard Forest mining precinct. The Groundwater assessment acknowledged that it will drawdown further the groundwater in the Namoi Alluvium by 5 m and even the Namoi river will experience a 2m loss of baseflow. How will Boggabri Coal act in dry years? How has it acted in the past? From the EA we cannot answer the questions as to how it will manage the environmental impacts of this drawdown in drought years. This is answer enough to reject the Modification.

Our experience is that in this highly connected water system, the numbers by modellers can be underestimated compared to lived experience and create unacceptable impacts to family stock and domestic and farming water needs. Our region's families, Boggabri and farms rely on groundwater. The quantity and quality must be available to sustain life now and in the future. We urge Planning to reject this Modification.

Groundwater Dependent Ecosystems and instream communities are a priority for protection and must be supported not exploited or become collateral damage: Further careful assessment of GDEs is needed. GDEs were impacted by surface water misdirection along Maules Creek and would especially be impacted by the long term lack of diversions around Nagero Creek and Goonbri Creek. Reparations should occur, not actions leading to likely harm. When it comes to the assessment of

regional impacts, the Back Creek data cannot be considered as reliable and further assessment must occur. This being a recent outcome of the enforceable undertaking to WHC by NRAR. It revealed uncertainty about the monitoring data. Therefore relying on desktop studies for this region is not a reasonable study of such a amazing, fragile, complex and now compromised high priority environment under the Water Act 2000.

Landscape degradation impacts: Boggabri Coal disposing of OTR tyres between 2006-2039 in the pit will pollute surface and groundwater sources. This is a huge intergenerational issue. Tyres can take 500 years to break down. Our organisation is yet to see the approval wording in the 2010 EIS for this “special waste” that has that has enabled this tyre burial. This ongoing pollution, effectively running an unlicensed landfill in the Leard State Forest. This further underpins our objection to a modification that seeks to allow such pollution on such a scale. The tyres appear to have been buried since 2006 in the Leard State Forest without an environmental pollution licence and approval condition. The alleged presence of 15 years of OTR tyres in the pit and OEA will materially impact any EIS for Groundwater, Groundwater dependant ecosystems, landform, water quality, rehabilitation and pollution management without assessment.

Biodiversity: We object to removal of a single tree, the acceleration of erosion from removal of ground cover and poor storage of soils in the Leard State Forest caused by Modification 8. The precautionary principle must apply. In this first instance, no further removal of the Leard State Forest for new coal. The drawdown of carbon value of our forest is vital, removal and subsequent steps should not be used as a trade off any longer for new coal.

Living ecosystems including soils, dying through this disturbance results in degradation of the vital biodiversity sink and the ecosystem services our bio-region relies upon and contributes to poor rehabilitation. Going forward the focus must be on preventing environmental harm by as our economy transitions.

https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP09_0182-MOD-8%2120210722T054130.915%20GMT

Rehabilitation: Rather than more destruction of old growth forest and replacement with a logging forest, going forward, maintaining and enhancing the integrity of what is left of the intact Leard State Forest and lands in the vicinity must be central to any planning going forward as the state of NSW races to zero emissions and mining as a key emissions driver shuts down as export markets stop. This region is a farming area; sustainable food not coal is what the world needs.

Landform: In the assessment of the Conceptual Final Landform Design established as part of this Modification, the focus needs to be on the existing natural features and the enhancement of their values. The mining exit plan must fit with these not seek to make the natural features fit with its new imposed landform. We object to the formation of a high overburden emplacement area, with tyres buried in it and a depression in the centre with effectively a pit lake, or final void.

“A key change to the OEA is that the top of the landform will be formed as an undulating surface, with most runoff being retained on the top of the landform, and potentially reducing uncontrolled discharges onto outer batter slopes. Comparison of likely drainage patterns (derived from analysis of the Digital Elevation Models (DEMs) provided) (Figures 4 and 5) shows the more complex water movement patterns on the top of the MOD 8 conceptual landform, and considerable reduction in uncontrolled discharges onto outer batter slopes.”

discharges onto outer batter slopes. “ page 5.

https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=MP09_0182-MOD-8%2120210722T054130.622%20GMT

We object to: the increasing of the approved maximum depth of mining down to the Templemore Coal Seam; the increasing of the approved maximum height of the OEA to 400 m RL. Said in the Mod 8 to be an elevation 5 m higher than currently approved (395 m RL); and any integration with the Maules Creek mine final landform that undermines the integrity of the biodiversity corridor. This proposed plan needs greater assessment not less and should be rejected.

In summary, this project assessment gives no hope for any improvement in the health outcomes for our communities. Not only is this not in our interest, its GHG impacts make it a harm to the world community. This Mod 8 is not in the public interest.

Thank you for the opportunity to make a submission.
Yours Sincerely

Maules Creek Branch of the Country Women's Association of NSW

References

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