

Moolarben OC3 Coal Mine Extension Project: **SSD-33083358**

I reiterate my original objection to this Project:

## Introduction

Moolarben Coal Operations Pty Ltd (MCO), a wholly owned subsidiary of Yancoal, proposes to expand its existing mining complex (MCC) through the Moolarben OC3 Extension Project (the Project). The objective is to maximise coal resource recovery to the north and adjacent to the Munghorn Gap Nature Reserve to the east, south, and west. Community notification from Yancoal in December 2025 indicated that the extension operations would commence in early 2027 and continue until approximately 2034. This expansion will increase annual production from 22 million tonnes to 30 million tonnes, positioning Moolarben among the largest coal mines in Australia. The Project will occur within the approved operational period of the existing complex, up to 2038.

The MCC is located between the Ulan Coal Complex to the northwest and Wilpinjong Mine to the southeast. Open-cut mining has previously occurred and continues near the Munghorn Gap Nature Reserve—a region known for its rich biodiversity, cultural heritage sites, threatened species habitats, and significant sandstone features. Approximately 5 kilometres of the OC4 Pit border the Munghorn Gap Nature Reserve, while the Wilpinjong Mine adjoins 15 kilometres of the Reserve.

The Proponent has over time, at the request of the Department of Planning, Housing, and Infrastructure (DPHI), increased the size of the proposed Habitat Enhancement area from 160 hectares to approximately 501 hectares. However, several unresolved issues remain between MCO (the Proponent), Conservation Programs, Heritage and Regulation Group (CHPR), and National Parks and Wildlife Service (NPWS). Key issues include biodiversity, greenhouse gas emissions and climate change, water resources, Aboriginal cultural heritage, agriculture, and adverse social impacts.

Advice provided by Yancoal to the DPHI on 21 January 2026, regarding their most recent amendment application for further habitat enhancement and a revised coal production profile, does not alter the basis of this objection, nor change the fundamental operation of the Project.

This objection outlines the inadequacies and deficiencies of the DPHI's conclusion that the Project approval can deliver benefits for New South Wales and the regional community outlined in their Assessment Report.

## The Environment, Biodiversity, and Aboriginal Cultural Heritage

The MCC has had, and continues to have, a substantial impact on native vegetation. The proposed OC3 expansion involves further large-scale clearing, including mature native vegetation, endangered ecological communities, and critical habitats for numerous threatened species, despite ongoing rehabilitation efforts. The active land

disturbance area of the MCC is approximately 2,000+ hectares<sup>1</sup>, with 500 hectares currently under rehabilitation<sup>2</sup>.

The cumulative effect of Moolarben, Ulan, and Wilpinjong mines has already negatively affected the Goulburn River system. Collectively, these mines are licensed to discharge over 56 million litres per day of excess mine water into the Goulburn River and its tributaries within the Upper Hunter catchment. This has significantly altered natural flow regimes, increased stream volume and peak flow, changed hydrochemistry, and raised downstream salt loads by 10–25 tonnes per day.<sup>3,4</sup>

The OC3 Extension seeks approval to clear approximately 675 hectares, comprising 480 hectares of native vegetation, 186 hectares of non-native Category 1 land, and 9 hectares for access roads, dams, and buildings. Four threatened ecological communities will be impacted. Critically Endangered Ecological Communities (CEEC) listed under Federal law include 477.75 hectares of Box-Gum Woodland and 15.37 hectares of Eucalypt Forest and Woodland.

Twenty-three threatened fauna species are present, including the Regent Honeyeater and Swift Parrot (both assumed present), with five species at risk of Serious and Irreversible Impact (SAII). The loss of these habitats will significantly affect species such as the Pink-tailed Legless Lizard, Broad-headed Snake, Regent Honeyeater (Critically Endangered), Large-eared Pied Bat, Eastern Cave Bat, Squirrel Glider, Koala (Endangered), Cotoneaster Pomaderris, *Commersonia procumbens*, and Large-leafed Monotaxis.

Mining operations suggest that displaced species find refuge in the Munghorn Gap Nature Reserve and Goulburn River National Park. However, there has been no assessment of increased competition for habitat or the cumulative effects of noise, dust, vibration, and light pollution on the Reserve. The DPHI's assumption that habitat enhancement areas will offset losses is challenged, especially in light of the NSW State of the Environment (SOE) 2024 Report<sup>5</sup>, which highlights ongoing declines in native vegetation and fauna, and the weaknesses of relying on offsets rather than strict avoidance.

The report shows that without effective management, only half of New South Wales' threatened plant species are predicted to survive the next century<sup>6</sup>. Clearing further significant vegetation will weaken the region's resilience to climate change and undermine rehabilitation efforts, escalating risks to species and environmental health.

Despite recommendations that enhanced areas could retain equivalent Box Gum Woodland, the premise that offsets justify environmental destruction undermines the principle of "avoidance" in biodiversity management. Land clearing for mining contributes to species and biodiversity loss and increases greenhouse gas emissions, as forests are carbon sinks. The clearance of 113 hectares of Koala habitat is particularly concerning given the species' near-extinct status, as recognised by the National Recovery Plan and the Biodiversity, Conservation and Science Group (BCS) at NSW DCCEEW, which considers the habitat critical to the species' survival.

Without addressing ongoing deforestation, including from neighbouring mines, proposed mitigation and offset measures cannot ensure Koala protection. The reliance on biodiversity offsets is deeply flawed when avoidance is essential for preventing further extinctions.

The DPHI's conclusion<sup>7</sup> that the Project aligns with Ecologically Sustainable Development (ESD) is contradicted by unresolved issues between the Proponent, DCCEE, CHPR, NPWS and now at the 11<sup>th</sup> hour by the Proponent who has amended their development application to allow for further environmental improvements. The Mining Panel has also questioned the effectiveness of the current SAI framework, particularly regarding cumulative impacts of successive projects, which may significantly increase extinction risks for threatened species and ecological communities<sup>8</sup>.

The Biodiversity Conservation Act mandates decision-makers to follow ESD principles, and the precautionary principle calls for caution where outcomes are uncertain<sup>9</sup>. Cumulative impacts from both the Ulan and Wilpinjong coal mines will have major impacts on biodiversity, water, cultural heritage and our climate.

The Mining Panel notes:

The penultimate test that a project “is likely to contribute significantly to the risk of a threatened species or ecological community becoming extinct is a very high bar. Whether a single project is likely to contribute significantly to the risk of extinction is open to substantial interpretation and debate. **However, the cumulative impact of successive projects, particularly in a single area, very well may place a species or community at a great risk of extinction – the death by a thousand cuts.**”

The Project's recommended consent conditions prioritise maximum resource extraction, making genuine environmental protection unlikely.

### Aboriginal Cultural Heritage

The DPHI has not fully applied the Precautionary Principle to Aboriginal heritage protection, citing operational constraints for MCO in capitalising coal resources<sup>10</sup>. Heritage NSW's requests for further avoidance were deemed unfeasible by MCO, based on the Aboriginal Cultural Heritage Assessment (ACHA) and the potential implications for the broader project.<sup>11</sup>

Within the study area, 138 Aboriginal heritage sites were identified, with 55 wholly or partly within the surface disturbance footprint and 12 at risk from blasting<sup>12</sup>. The Project would directly affect 55 sites—mainly artefact scatters and isolated finds—and indirectly affect twelve rock shelter sites<sup>13</sup>.

The DPHI advises: Aboriginal stakeholders are particularly concerned about cumulative and ongoing heritage impacts, loss of cultural and spiritual connections, and the proximity of disturbances to significant sites.

The DPHI acknowledges “All identified Aboriginal objects are considered of high cultural significance.”<sup>14</sup> Yet the DPHI justifies<sup>15</sup> Aboriginal Heritage destruction and

disturbance on the spurious claim that such action will not significantly increase cumulative loss.

This attitude is another instance of Aboriginal “cultural vandalism”<sup>16</sup> which is unacceptable to many Aboriginal and non-Aboriginal citizens.

### Greenhouse Gas Emissions and Climate Change

There is overwhelming evidence that the Project cannot be managed in accordance with NSW’s net zero emissions policy objectives<sup>17</sup>. The DPHI notes that the latest emissions projections from DCCEEW suggest NSW will fall short of its reduction targets, reaching 46% by 2030 and 62% by 2035<sup>18</sup>. The Project, if approved, would add 86.59 million tonnes of CO<sub>2</sub> equivalent emissions until 2038<sup>19</sup>.

**The NSW Net Zero Commission’s Coal Mine Emissions Spotlight Report (December 2025) has stated that any further coal mine expansions are inconsistent with NSW’s emissions reduction targets and a safe climate.** The Report’s fourth finding asserts that continued coal mine extensions are incompatible with the objectives of the Climate Change Act and the Paris Agreement.<sup>20</sup>

Key findings of the Report include the need for NSW consent authorities to meaningfully account for emissions in all planning decisions and to prepare for the managed decline of coal extraction to ensure a just transition for affected communities and regional economies.

The Independent Planning Commission must consider relevant State and national policies on greenhouse emissions.<sup>21</sup>

### Economic Rationale

The existing Moolarben Coal Complex will continue to operate until 2038, regardless of the proposed expansion, and no increase in workforce is anticipated with Project approval. While the extension offers short-term economic benefits to Yancoal through exports and returns on plant investment, the unaccounted for and long-term costs will be borne by the community.

The Net Zero Commission warns that global thermal coal demand will decline due to factors beyond NSW Government or industry control, placing coal regions and the state at economic risk.

The Mid-Western Employment Lands Strategy (2024)<sup>22</sup> indicates a significant decline in mining employment by 2046, with a shift towards clean energy. Employment is set to rise between 2021 and 2026 due to construction of major clean energy projects within the Central-West Orana Renewable Energy Zone.

Relying on coal expansion to maintain employment<sup>23</sup> risks undermining the transition to renewable energy and risks leaving the community dependent on a weakening industry. The Strategy notes mine closures represent opportunities for land rehabilitation, agricultural innovation, conservation, and eco-tourism.

Court findings<sup>24</sup> have established that coal mining's climate costs will be shouldered by future generations, raising concerns about equity and social justice. The DPHI's advice<sup>25</sup> that the Project is unlikely to increase risks for vulnerable groups is debated, as coal expansion will intensify current environmental decline, emissions and operational risks. Any increased emissions from new coal projects will unfairly require even greater reductions from other sectors for NSW to meet its targets.

The Project relies on a boom-bust economic model that is not sustainable and poses a significant risk of becoming a stranded asset – with serious implications for long term regional economic stability.

## Conclusion

The Moolarben OC3 Coal Mine Extension Project cannot be justified as being in the public interest. The Project is not consistent with the principles of Ecologically Sustainable Development.

The Project would intensify and extend the already significant and cumulative impacts of coal mining in the region, compounding irreversible harm to biodiversity, water systems, Aboriginal cultural heritage, climate stability, and community wellbeing.

The proposed further clearing of extensive areas of native vegetation, including Critically Endangered Ecological Communities and critical habitat for threatened species, presents an unacceptable risk of serious and irreversible impacts. The reliance on biodiversity offsets and habitat enhancement areas fails to address these risks, particularly in a landscape already heavily fragmented by mining. The precautionary principle requires that where such risks are evident and uncertainty remains, approval should not be granted.

Similarly, the Project would further damage Aboriginal cultural heritage through the direct and indirect impact on sites of cultural significance. The Department's acceptance of incremental loss as "manageable" perpetuates ongoing cultural harm to Aboriginal communities, undermining their rights, responsibilities, and connections to Country.

The Project is fundamentally incompatible with NSW's legislated emissions reduction targets, the objectives of the Climate Change Act, and Australia's commitments under the Paris Agreement. Adding more than 86 million tonnes of CO<sub>2</sub> equivalent emissions at a time when NSW is already projected to miss its targets cannot be reconciled with a credible pathway to net zero or a safe climate future.

The economic benefits of the Project are short-term, and largely accrue to the proponent, while the environmental, social, and climate costs will be borne by the community and future generations.

The Project does not secure long-term employment, does not meaningfully support a just transition for the region, and risks entrenching dependence on an industry in

structural decline, contrary to regional planning and economic diversification strategies.

The recommended consent conditions prioritise resource extraction over environmental protection and cultural heritage, rendering effective mitigation and rehabilitation implausible.

The unresolved objections from DCCEEW, CHPR, NPWS, Aboriginal stakeholders, and the broader community demonstrate the Project has not met a public interest threshold. Approval would exacerbate cumulative environmental and cultural loss, undermine climate action, and contradict the principles of sustainability and intergenerational equity.

The Moolarben OC3 Coal Mine Extension Project should be refused.

Megan Benson.

29<sup>th</sup> January 2026.

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#### END NOTES

<sup>1</sup> <https://www.parliament.nsw.gov.au/lcdocs/transcripts/3649/Transcript%20-%20UNCORRECTED%20-%20JS%20-%20Emissions%20from%20the%20fossil%20fuel%20sector%20-%2012%20December%202025.pdf> JOINT STANDING COMMITTEE ON NET ZERO FUTURE Friday 12 December 2025 p 25 Bev Smiles - Secretary, Central West Environment Council

<sup>2</sup> [https://www.yancoal.com.au/wpcontent/uploads/2025/12/YMC-138\\_MoolarbenCoal\\_NewsletterQ4\\_Dec25Red.pdf](https://www.yancoal.com.au/wpcontent/uploads/2025/12/YMC-138_MoolarbenCoal_NewsletterQ4_Dec25Red.pdf)

<sup>3</sup> INQUIRY INTO BENEFICIAL AND PRODUCTIVE POSTMINING LAND USE Dr Julia Imrie Date 25 June 2024  
<https://www.parliament.nsw.gov.au/lcdocs/submissions/86690/0035%20Dr%20Julia%20Imrie.pdf>

<sup>4</sup> Salinity of mine water discharge UCML EPL 394 –800-900 µS/cm. Moolarben Coal EPL 12932 – 619 µS/cm

<sup>5</sup> [https://www.soe.epa.nsw.gov.au/sites/default/files/2025-06/NSW\\_SoE2024\\_ReportCards\\_File.pdf](https://www.soe.epa.nsw.gov.au/sites/default/files/2025-06/NSW_SoE2024_ReportCards_File.pdf)

<sup>6</sup> <https://www.environment.nsw.gov.au/sites/default/files/nsw-biodiversity-outlook-report-2024-240126.pdf> **A Key finding of the NSW Biodiversity Report 2024**

<sup>7</sup> Table B2 | Moolarben OC3 Extension Project (SSD-33083358) Assessment Report |A5 :

<sup>8</sup> <https://www.planning.nsw.gov.au/sites/default/files/2025-06/ieapm-moolarben-coal-complex-20250417.pdf> p15,16 IEAPM | Moolarben Coal Complex OC3 Extension

<sup>9</sup> Environmental Defenders Office <https://www.edo.org.au/wp-content/uploads/2021/08/Submission-on-the-Serious-and-Irreversible-Impacts-Guidance.pdf>

<sup>10</sup> 411 **The project would increase the number Aboriginal heritage sites impacted within the locality and broader region, however, the Department considers that this incremental impact could be appropriately managed and would not significantly increase cumulative loss. The locality and broader region contain many representative sites that are conserved in perpetuity in addition to larger conservation areas such as the Goulburn River National Park.**

<sup>11</sup> Point 399 Assessment Report [https://www.ipcn.nsw.gov.au/sites/default/files/2025-12/Assessment%20report\\_0.pdf](https://www.ipcn.nsw.gov.au/sites/default/files/2025-12/Assessment%20report_0.pdf)

<sup>12</sup> Point 395 Assessment Report

<sup>13</sup> Point 427 Assessment Report

<sup>14</sup> Point 388 Assessment Report

<sup>15</sup> [https://cipr.cass.anu.edu.au/files/docs/2025/6/Hunt\\_TI\\_3\\_2020.pdf](https://cipr.cass.anu.edu.au/files/docs/2025/6/Hunt_TI_3_2020.pdf) **CULTURAL VANDALISM: REGULATED DESTRUCTION OF ABORIGINAL CULTURAL HERITAGE IN NEW SOUTH WALES J. HUNT**  
**Centre for Aboriginal Economic Policy Research ANU College of Arts & Social Sciences 2020**

*The ongoing threats to, and experience of, cultural heritage destruction in NSW point to an Australia-wide trend in Aboriginal heritage protection management identified by Schnierer et al. (2011) which is that the increasing identification of Aboriginal cultural heritage has not led to an increase in protection, but rather to better informed, regulated harm to that heritage, sanctioned by government agencies.*

*Five years on, the 2016 State of the Environment Report, commissioned by the Australian Government, referred to Australia's fragmented state of Indigenous cultural heritage protection, going on to say that: Australia's Indigenous heritage remains at risk from incremental destruction. This arises in part from a lack of formally protected sites, but also from reactive statutory assessment and development-consent systems, and a pattern of conscious lawful destruction arising from informed development consent. Indigenous communities continue to express concern about this issue generally, and through opposition to specific development projects. (Mackay, 2017, p. 149).*

<sup>16</sup> Point 361 Assessment Report [https://www.ipcn.nsw.gov.au/sites/default/files/2025-12/Assessment%20report\\_0.pdf](https://www.ipcn.nsw.gov.au/sites/default/files/2025-12/Assessment%20report_0.pdf)

<sup>17</sup> Point 361 Assessment Report

<sup>18</sup> 6.3.2 Sources and Emissions Amendment Report

<sup>19</sup> <https://www.netzerocommission.nsw.gov.au/publications/coal-mining-emissions-spotlight-report> Coal Mining Emissions Spotlight Report 2025

<sup>20</sup> **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

**14 Natural resource management and environmental management**

(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, **the consent authority**

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must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

<sup>21</sup> <https://www.midwestern.nsw.gov.au/files/assets/public/v/3/development/strategic-land-use-planning/mid-western-employment-lands-strategy-industrial-2024-final-1.pdf>  
Mid-Western Employment Lands Strategy (Industrial) 2024 Mid-Western Regional Council

<sup>22</sup> 6.5 Table 17 Assessment Report

<sup>23</sup> 6.4 Transition from Mining (see 21 above)

<sup>24</sup> Rocky Hill, Mt Pleasant, Bylong, Wollar

<sup>25</sup> Table B4 Assessment Report