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To the Secretary, Dept of Planning and Environment
Dear Secretary,

BOGGABRI COAL PROJECT 09_0182 MOD 7

I would like to comment on the lack of an EIS for:

Long Term Security of Offset

47. The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas:

(a) For the areas included in Table 15 as owned, under option or committed by the Proponent, the long-term security shall be provided by a form of binding agreement acceptable to the Secretary that records the obligations assumed by the Proponent under the conditions of this approval in relation to these offset areas. These agreements must be registered by December 2019 unless agreed otherwise by the Secretary after consultation with Chief Executive of OEH. The agreements must remain in force in perpetuity.”

The Boggabri MOD 7 is a Modification to the Approval 09_0182 which, according to the Environmental Assessment “seeks to make largely administrative amendments to the Boggabri project approval”.

I am writing to you in regards to that part of the MOD 7 which does not fall within the “largely administrative” definition. I do not regard the changes to the long-term biodiversity offset security mechanisms as administrative, and I object to the right of consultation by the community being stripped away by this Modification.

Cumulative impacts of proposed coal mine expansion are starting to become overwhelming to the community of Boggabri. The Environmental Assessment involves changes of the existing mining approval for the Boggabri coal mine which will have a cumulative impact on the district of Boggabri and Maules Creek areas which are already impacted by coal mines.

This includes biodiversity impacts, which are one aspect of the MOD 7.

With Maules Creek, Vickery, Tarrawonga, even Rocglen mines in the immediate vicinity of the town of Boggabri and scores of rural residences, I believe the cumulative impacts of these mines should warrant more, not less, open scrutiny.

With all due respect to yourself, we do not believe that “a form of binding agreement acceptable to the Secretary” is a sufficient standard of scrutiny for biodiversity matters, including Biodiversity Offsets. Biodiversity matters affect us personally, often severely, in many forms.

I do not want to lose our right to be consulted by the downgrading of assessment of impacts.

I have a great deal of experience from other mine approvals in the Boggabri area, of conditions which have the standard of the “Secretary’s satisfaction”. What is “acceptable” to you in most instances to date has not accorded with public opinion.

If anything, I would prefer Approval Conditions to be modified to have LESS or NO conditions with such unclear standards as “acceptable to the Secretary” or “Secretary’s satisfaction”.

To date, local residents have experienced many disappointments in relation to biodiversity planning, including:

- A delay of over 2 years for the finalisation of the Leard Mine Precinct Regional Biodiversity Strategy (RBS), but no corresponding slow-down in the progress of the Leard mines, in fact the opposite.
- Absence of consultation with the community on the RBS.
- The public denied access to detailed maps supporting the RBS that may enable us to study the habitat descriptions and connectivity of areas.

- Not being consulted on the location of plantings, which pose fire risks to some of our properties.
- Out-of-control feral animal problems, particularly following the annual Leard Forest clearing episodes, whereby large numbers of feral animals – as well as macropods – seek refuge on neighbouring farms.
- Cumulative expansion of coal mines in the pipeline, as well as the Vickery Mine, the Vickery State Forest Exploration Licence, Maules Creek A346, Goonbri Exploration Area – none of which are included in the Leard RBS. I am also concerned that Whitehaven and Idemitsu have indicated that they wish to mine the Commonwealth Biodiversity Corridor, replacing this with a rehabilitated corridor. I am strongly against being allowed.

Wherever there has been any action on the part of mines or even the Dept of Planning to give our concerns some consideration, this is always after an exhausting and demoralising struggle on our part to be heard. Even then, the Maules Creek community do not obtain justice.

The reason community is to be consulted under the planning laws is because we experience this environment on a daily basis, often over a lifetime of experience, which is extremely valuable and should not be excluded from the planning process. Consultants rely on satellite mapping and databases, not their direct field studies. Locals have an invaluable contributions to make.

I also note that when the Boggabri Part 3A project was first approved by the Planning Assessment Commission (**PAC**) in 2012, the PAC specifically amended the 'Long term security offset' condition so that it contained more specificity around what was required of the Proponent in relation to offsets.

I refer you to the following documents, available on the NSW Major Projects website:

- a) DPE's recommended Project Approval conditions (see Sch 3 Cond 43);
and
- b) PAC determination report (p 5, second paragraph from the bottom of the page, which notes that the PAC has inserted 'greater specificity concerning mechanisms for ensuring long-term security of offsets (draft condition 43 – now final approval condition 47').

The community does not want to see this watered down and does not consider that the Secretary and the PAC would want to see this specificity removed from the Project Approval conditions.

I am of the view that this modification project should:

1. have the exhibition period extended for a further 28 days, and
2. be referred to the Independent Planning Commission (IPC) if necessary.

