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CC: Carolyn McNally, Secretary, Department of Planning and Environment

Submission re: Boggabri mine Modification 7

This is a submission to the proposed Boggabri coal mine modification 7. We trust that the Department of Planning will accept this submission and treat the matters raised in it seriously.

 objects to this modification. Insufficient information has been provided to the public to go with it, but it is clearly not appropriate to bundle the proposed changes to biodiversity offset security and timing with administrative changes and subject them to only the most cursory consideration and assessment.

An application and declaration have not been provided on the major projects register, so we are unable to confirm the proponent's claim that this modification application was made prior to 1 March: "such a request was made and subsequently agreed to by DPE, confirmed in writing on 2 February 2018." No information is provided corroborating this. The Department must provide evidence that this application was made before 1 March or assess it under Part 4.

As you would be aware, biodiversity impacts in the Leard Forest Mining Precinct are of deep concern to local people and conservationists around the state. There has already been considerable delay in developing and finalising important aspects of the mine's biodiversity mitigation commitments, like the Leard Forest Precinct Regional Biodiversity Strategy and the revised offsets. We note that the Regional Biodiversity Strategy is due to be reviewed by December this year, "following the completion of the required rehabilitation and offset area audits." The proposed changes to offset security and timing are not administrative but are substantial and they must be removed from this modification application and subjected to thorough environmental assessment, having regard to the findings of the review of the Regional Biodiversity Strategy.

Biodiversity is dynamic and changes over time. Delay in securing the offsets has an impact that the proponent has not addressed in the material presented. The availability of habitat year to year affects populations of threatened species and other wildlife. Delay in active management of offsets affects the success of those offsets. Furthermore, the method of securing offsets affects the biodiversity values of those offsets. An agreement under the *National Parks and Wildlife Act 1974* is subject to statutory protections that are crucial to the mitigation of the biodiversity impacts of this mine. It requires the engagement of OEH in the development of the agreement and management plans for it, and it ensures that the mine owner cannot renege on its obligations without the

concurrence of the Minister for the Environment. Replacing this arrangement with “a form of binding agreement acceptable to the Secretary” is utterly unacceptable.

The proposed change to the biodiversity conditions have the potential to have a significant impact on biodiversity given that clearing has already taken place, but offsets have not been secured and are not, under the modification proposal, proposed to be secured until 2020. We note that the deadline for securing a conservation covenant for this mine’s offsets under its consent was nearly four years ago. The proponent provides no explanation in the assessment material of why it has been four years delayed in securing its offsets, and why it proposes now a further year of delay.

The Department and the proponent must provide an assessment of the impact of this delay, and the further delay proposed by this modification. The Department should also provide to the community a summary of its dealings with the company over the condition requiring security for offsets by December 2014. Has that deadline been extended? When was the extension granted?

These are questions that need answers and the biodiversity offset aspects of this proposed modification requires environmental assessment, with information provided to the public about the likely impact on biodiversity of delay.

Thank you for your attention to this matter.