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I refer to your correspondence to Ms Carolyn McNally, Secretary, NSW Department of Planning and Environment concerning the Boggabri Coal Mine Modification 7.

The Secretary has asked me to acknowledge your correspondence and to indicate that the Department will carefully consider the concerns you have raised in its assessment of the modification application.

If you wish to discuss this further with the Department, please call Stephen O'Donoghue, Team Leader – Resource and Energy Assessments on 0477 345 626.

Louise Higgins

Executive Assistant to Secretary

NSW Department of Planning and Environment

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**To:** Carolyn McNally

**Subject:** Submission to Mod7 of SSD 09\_0182

The Secretary,

Department of Planning and Environment

Email: [carolyn.mcnally@planning.nsw.gov.au](mailto:carolyn.mcnally@planning.nsw.gov.au)

Dear Secretary,

**Boggabri Coal Project Mod 7**

The Boggabri MOD 7 is a Modification to the Approval 09\_0182 which “seeks to make largely administrative amendments to the Boggabri project approval”. However, one important aspect of this modification requires strong objection as it may have negative ramifications for biodiversity impact assessment into the future.

It is the proposal to amend Condition 47(a) of Schedule 3 of the Approval. (Bolded)

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.”

I strongly object to this amendment because it:

- Is seeking to substitute the performance time-limit on securing long-term conservation agreements (December 2019) with an open-ended condition leaving it completely open to defer this time-limit - possibly indefinitely;
- Takes away the final assessment of adequacy from the experts in this matter (OEH) and gives it to the DoPE Secretary who is not required to take the advice from her junior department. Only OEH have the expertise to determine whether an offset can retire the impact credits;

- It is unclear how this kind of requirement as outlined in the Mod would satisfy current Offset Policy in NSW or Australia for that matter.

Please take these as the grounds for my objection. Offset Policy in NSW has been so watered down during the many incarnations of this policy over the years, it is difficult to point to any current offset area and claim the required biodiversity credits had been realised and impacts offset.

Given the example of the failure of Whitehaven to retire their offsets in a timely fashion, the public has no surety that biodiversity matters are being dealt with in a clear and transparent manner in NSW.

Sincerely

