



Dear Ms Hawkeswood,

I wish to object to the Boggabri MOD 7.

This Modification is described in the Environmental Assessment as “largely” administrative, and indeed some of the matters referred to therein may be minor or administrative, however there are two matters which are in varying degrees not minor. I also object to the term “administrative” being employed, as it is not relevant and seeks to obscure the significance of these matters.

Of particular concern is the request by Boggabri Coal to modify condition 47(a) of its consent to give unfettered discretion to the Secretary of Planning, which removes the time-limit for securing in perpetuity the biodiversity offsets for the Leard Forest which have been destroyed by coal mining, and replace this with a condition whose wording removes any time-limit. This leaves it open for the Secretary to defer in perpetuity the need to secure the offsets with a suitable mechanism.

When the Boggabri Part 3A project was first approved by the Planning Assessment Commission in 2012, the Planning Assessment Commission 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. Refer: DPE’s recommended project approval conditions (see Sch 3 Cond 43); and 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).***

MOD 7 goes against the PAC intent and is contrary to the public interest.

I also note that one of the root causes of this problem is that the Government has introduced new Biodiversity Conservation regime which is unmanageable and is proving to be chaotic and reflective of a disorderly planning scheme.

I am also aware that if this modification allowing indefinite deferral of the offset securement were allowed to proceed, this would open the floodgates and Whitehaven Coal would also seek similar leniency. Therefore as a matter of public policy also, this Modification should not be permitted. This modification could become a dangerous precedent which will completely undermine an already struggling and unviable system of biodiversity offsets in NSW.

There is also the issue of the complete lack of transparency around whether the relevant offsets which are causing the delays are “like-for-like”, which is not referred to in the Umwelt Environmental Assessment, which is silent on that matter as though it is not of relevance. I believe this is a matter of relevance to the Environmental Assessment and insofar as the EA fails to include any materials reasons for the delays in securing the offsets, it is inadequate and does not provide the Secretary with sufficient information to even make a decision on MOD 7.

Secondly, I refer to the road transportation aspect of this modification, which calls for permission to be granted for unspecified number of truck movements carrying coal to Gunnedah for the purpose of marketing and laboratory testing. This part of MOD 7 completely ignores the issue of cumulative impacts. It does not refer to the fact that there is a concurrent modification and assessment for the adjacent Tarrawonga Coal mine, which was issued in September 2018 and received no public comments, indeed it is apparent from the Major Projects website that there are not even any agency comments on it. It also Provides no evidence that the existing road transport statistics have been considered. It is clear from the Vickery Extension Project EIS that very old data from 2012 is being used, and is being accepted by the Department of Planning as relevant to road transport assessments. This is a flagrant disregard for cumulative impacts of this rapidly expanding mining region.

Therefore, the MOD7 is also deficient in respect of the road transport aspects.

I reject this modification entirely as a result and call on it to become the subject of a full public exhibition and a revised environmental impact statement which addresses the matters referred to above and ensures adequacy for the purposes of decision-making.

As a footnote, I would like to point out that Boggabri Coal is committed to using its biodiversity offsets for the purposes of a koala species recovery project, to protect the Leard Forest koalas which are continuing to survive in pockets of the forest despite the trauma which has been inflicted on their habitat. If this is to realistically occur, there needs to be transparency around the wildlife corridors and the quality of the biodiversity offsets. The koala species recovery project is a positive initiative which has engaged the community and provided some hope that species conservation is a goal of Boggabri Coal.

The chaos within the biodiversity offsets system is threatening the orderly progress of biodiversity conservation.

To conclude, I believe that MOD 7 requires consideration by the Independent Planning Commission to enable proper consideration of the above including cumulative impacts which have been entirely ignored by the Umwelt EA.

thank you for your consideration,

