

To: Carolyn McNally
Cc: Steve O'Donoghue
Subject: Re: Boggabri Mod 7 application (and others!)

To:
The Secretary,
NSW Dept. Planning & Environment,
GPO Box 39, Sydney, NSW 2001
Carolyn.McNally@planning.nsw.gov.au

Dear Carolyn (and Steve),

I wish to lodge an objection to the Boggabri coal Mod 7 application, that is being rushed through the planning process, and also to the inevitable impact that this will potentially have on future approvals of other projects. The rushed nature of this process has resulted in limited information being provided to the Secretary in order to make the decision, and also to the community needing more information to make an assessment. This is unacceptable for our planning system.

[REDACTED] believe that all these modifications aren't being properly scrutinised. And further to our concerns about the Boggabri Mod 7 being rushed through, we are deeply concerned that this is setting a terrible precedent. We are worried that when this application is rushed through, then Santos (for the Narrabri Gas Project) will be looking to get one modification after another, and that cumulatively these projects will have a huge impact. We don't want what has happened at Maules Creek and Boggabri, to be a precedent for the planning approvals for the rest of the State.

Lack of transparency is a major issue, and we believe that these small secret changes, will cumulatively completely change the process. We strongly believe that this application and all others, should have a minimum of 28 days exhibition, for the public to be fully informed and to have time to respond. We have enough issues just dealing with the impacts of this incredible drought, (and which has highlighted more than ever, how VITAL our Great Artesian Basin is), let alone dealing with our ongoing and seemingly endless fight to save our water from the irreversible impacts of the mining and gas industry.

Mod 7 has not been formally exhibited even though it will enable substantial changes to the way that the mine operates and the way the biodiversity offsets could be secured. Both of these issues are of interest to many organisations, as is the due process for the planning of state significant projects. There are five parts to this modification and we submit that the impacts of this modification are not minor to the community and the environment and we disagree with this DPE process.

Firstly, should this modification be assessed under 75W of the old EP&A Act? The Secretary has the power to decline to determine the modification application under former s75W if the Secretary is of the opinion that insufficient information has been provided.

The Boggabri Coal Mine was originally approved under former Part 3A of the EP&A Act, and Part 3A has since been repealed. While in this transitional time there is scope for dealing with this under 75W, the community needs to see the evidence that process was followed and the full application was submitted prior to 1 March 2018, not simply relying on references in the EA. We note that the Major Projects listing for the modification does not include a copy of the application, nor confirmation of the date that it was received (other than the reference within the EA).

As the application has not been uploaded to the website, we request evidence that this modification is eligible for determination under 75W. We request evidence that the full Application was submitted and received by DPE on or prior to the eligibility date - 1 March 2018.

██████ also concerned that the rushed nature of this modification has resulted in the secretary being provided with insufficient information to deal with the modification request. ██████ request that the secretary notify the applicant and that the Application be determined under s 4.55 of the EP&A Act (formerly s 96).

Without proper exhibition of planning modifications, the community has no way to understand the nature of the planned changes. It is essential that all changes are subject to 28 days exhibition and that interested parties and communities are informed.

When the Planning Department makes the decision to expedite mining project modifications and then makes a swift determination, the community perceives that the Department has a conflict of interest or at least that the Department is not aligned with the community's interest.

In this situation, we believe that the changes that Boggabri coal is seeking are sufficiently significant for the project modification to be on exhibition for 28 days and if the public interest is strong, then the project should be determined by the IPC.

██████ that you rule not to determine the application under former s 75W and instead that you require that it be determined under s 4.55 of the EP&A Act. Further, noting that the modification application will have more than a 'minimal environmental impact', ██████ that you require the modification application to be determined under s 4.55(2) and therefore require that it be formally exhibited for public comment to ensure that all interested parties are able to form a view on the appropriateness of this project modification.

deeply concerned that this is setting a terrible precedent, and will lead other mining companies (especially Santos) to seek to get one modification after another, and that cumulatively these projects would then have a huge impact. As you would know, Santos have admitted that the NGP WILL harm our groundwater. Santos' referral to the Commonwealth under the Federal environment law (2014, p65) said "an assessment of the Project indicates that the duration and wider geographic extent of depressurisation of groundwater head within the coal seams and adjacent strata, will cause a significant impact to the groundwater resources of the Gunnedah-Oxley Basin." Any risk to our groundwater, and any impacts, should simply not be allowable.

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