



BOGGABRI COAL

Mod 7

Submission of the Wando Conservation and
Cultural Centre Inc, Maules Creek



April 2019

INTRODUCTION

Wando Conservation and Cultural Centre Inc (**WCCC**), is the Maules Creek-based environmental group. One of our goals is the preservation of the natural environment and encouraging respect for nature. Preservation of the Leard Forest is one of our organisation's top concerns. Naturally we seek to restrain any more damage than which has already occurred. We view the destruction of so much critically endangered bushland as a heinous crime against nature.

We made objections to Mod 7, outlined in a letter to the former Secretary Ms McNally on 29 October 2018 (**Attached**). We hereby build upon those objections and make further objections.

Our key objections to Mod 7 are, that:

- **Significance of modifications:** Mod 7 is not a "minor" "administrative" modification or a "tidy up" as has been contended by the Proponent. The IPC should carefully scrutinize all aspects of the proposed modifications. In this letter we identify a number of key issues that we say require further investigation and analysis.
- **Inadequate environmental assessment:** The Proponent has failed to properly assess the environmental impacts of Mod 7, in particular in regards to the drilling program and the coal trucking changes;

- **Drilling and Exploration program:**
 - There has been virtually no assessment of the impacts of the proposed drilling and exploration program nor clear limits applied to its scope.
 - The Proponent states that the modification actions occur wholly within the Approved Boggabri Project disturbance area (Unwelt Mod 7 October 2018 p 29 4.5.3 Proposed Modification). Comparing the maps showing proposed drilling and exploration activities in the current Mining Operations Plan with the maps showing the project disturbance area attached to the approval, WCCC believes that this is not correct.
 - WCCC are concerned that approval of drilling must not be allowed at a depth beyond the Merriown seam. Drilling beyond that depth must be subject to a detailed environmental approval;
- **Water impacts:** Further to the above, there is a failure to address the potentially severe groundwater impacts of the drilling and exploration program;
- **Biodiversity offsets – delay:** WCCC are concerned that Boggabri Coal Mod 7 will permit further delay to register offsets, which is already five years past the 2014 deadline;
- **Approval creep:** More broadly, WCCC is concerned that Boggabri Coal is seeking to benefit from “approval creep”, seeking to make significant amendments characterized merely as minor administrative changes. This is the 7th modification lodged in just 5 years. This should be taken into account by the IPC;
- **Ongoing breaches:** We are concerned that Boggabri Coal may have been breaching three aspects of this proposed Mod 7 in regards to– Drilling and Exploration Activities, Transport of Coal Samples by Road and Biodiversity offset long term security arrangements. WCCC believes the Department is aware of these possible ongoing breaches.
 - Drilling and Exploration Activities -since 2013 Boggabri Coal has self-reported on its exploration and drilling program in the Annual Review 2017 and Annual Environmental Management Reports 2013, 2014, 2015, 2016, (see Appendix A for detail) but has not had any approval to undertake this work.
 - Transport of Coal Samples by Road- Boggabri Coal Special Mod 7 Community Consultative Committee Meeting minutes record that representatives reported that Boggabri Coal transported coal samples by road outside its current approval conditions.
 - Biodiversity offset long term security arrangements- We have searched and not identified any evidence that the original December 2014 time limit for securing offsets has been formally extended.

These matters should be taken into account when considering what modifications are appropriate.

We refer to the Department of Planning and Environment’s Assessment Report on Mod 7, which is intended to represent the issues to the Independent Planning Commission (**IPC**). WCCC does not consider that the Assessment Report accurately represents the issues raised by Mod 7 nor does it contain sufficient analysis of these issues. We also object to elements of same, as per the content of this letter.

1. DRILLING AND EXPLORATION PROGRAM

We strongly disagree with the assertion by the Applicant that drilling and exploration activities as proposed in Mod 7 would not change the approved environmental impacts of the project. We are concerned that:

- (a) There are inadequate details of proposed drilling and exploration within the Mod 7 document which is proposed to form part of the EA such that the environmental impacts cannot be known or assessed.
- (b) There has been no real assessment of the drilling impacts such that the IPC cannot be satisfied as to likely impacts.
- (c) The proposed drilling extends beyond the approved project disturbance area.

INADEQUATE DETAILS OF PROPOSED DRILLING AND EXPLORATION

The EA provides almost no details of the proposed drilling activities. It refers to the MOP, which also provides very limited information (see MOP extracts further below). The information is inadequate to enable the IPC to form a view as to the environmental impacts of the proposed activities. (See 4.5 of Mod 7)

INADEQUATE ASSESSMENT OF DRILLING AND EXPLORATION PROGRAM

The DPE assessment report states the following:

5.3 Drilling and Exploration Activities

Exploration activities such as drilling, sampling and geophysical exploration are required on an ongoing basis throughout the life of a coal mine to support mine planning. These are standard mining activities that are typically implicitly permitted under the project approval. However, as the project description does not expressly identify these activities, Boggabri Coal is seeking to include the activities in the description of works to remove any doubt about undertaking these activities.

The proposed drilling, sampling and geophysical exploration activities would be undertaken within the approved disturbance area, and Boggabri Coal proposes to manage any impacts associated with these activities under the existing environmental management plans.

The Department considers the proposed exploration activities represent standard practices for open cut coal mines and are necessary to inform ongoing mining activities within the approved disturbance area.

The Department also considers that the activities can be managed under the existing conditions of approval and that the modification would not change the environmental impacts of the project.

We reject the proposition that the proposed amendments merely formalize activities that are implicitly approved.

We note that the Mod 7 environmental assessment (prepared by Umwelt, 2018) includes no detail of the proposed drilling nor any specific assessment of its impacts. It does refer generally to the MOP. This is insufficient for the purposes of an EA document. Specific and relevant details and assessments need to be fully described and assessed within this EA, not referring to a document

which is constantly changing and being revised. We note also that the proposed amended approval does not include the MOP in the amended definition of 'EA'. We have inserted relevant extracts of the current MOP (Dec 2018) below (see MOP 2018 pp 54 and following):

5. Assessment of drilling impacts

Boggabri Coal's 2017-21 drilling program will be undertaken within CL368 to further define the coal resource. The proposed drilling is considered ancillary to mining as it is entirely within the approved mining surface disturbance footprint, as described in the Continuation of Boggabri Coal Mine Environmental Assessment (Hansen Bailey, 2010), and approved under PA 09_0182. Impacts from surface disturbance activities are consistent with those previously assessed and approved. However, some of the proposed drill holes will extend down to the Templemore seam, which is beyond the depth of the approved vertical limit of mining. The Merriown seam represents the current approved vertical limit of mining (refer to Figure 5-1). Drilling activities that extend beyond the Merriown seam therefore require assessment and determination under Part 5 of the EP&A Act.

The following subsections provide a description of the proposed drilling activities and an assessment of any potential impacts that are additional to those previously assessed (Hansen Bailey, 2010). Mitigation measures for the management of impacts from drilling activities are also outlined. This information has been provided to enable DRG to make a determination under Part 5 of EP&A Act.

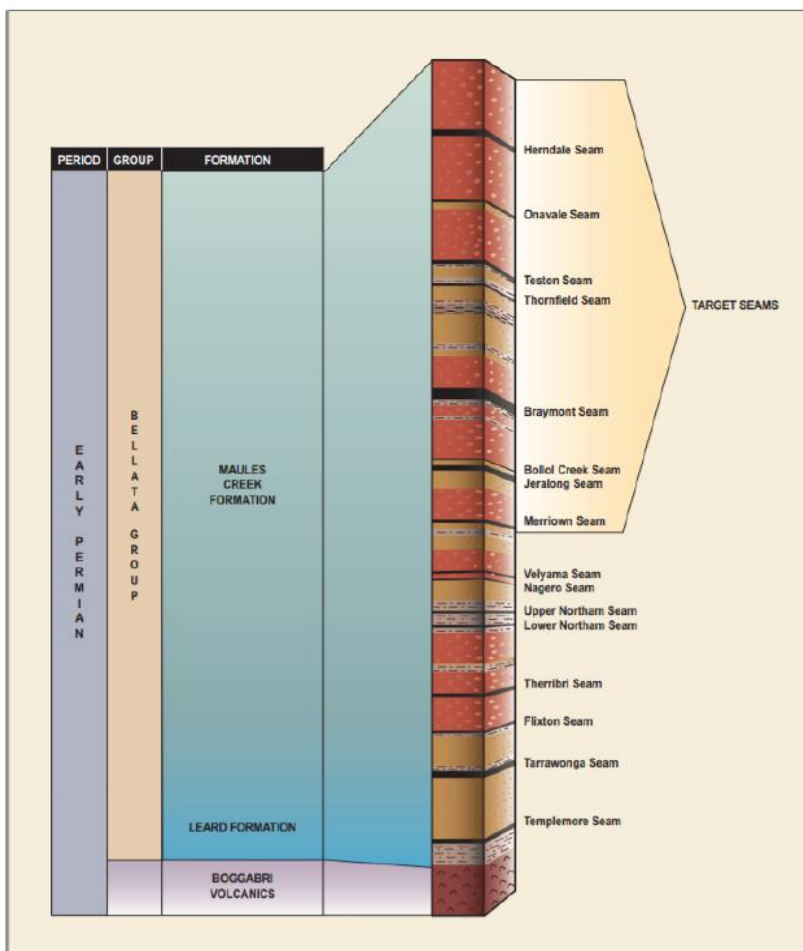


Figure 5-1 Approved vertical limit of mining (Hansen Bailey, 2010)

5.1 Proposed drilling activities

Drilling will be undertaken to understand the limit of oxidation, coal quality and structure, and will occur as both open hole and fully cored drill holes. It will also be undertaken for fugitive emissions assessment. The program will include structure and quality holes for proving-up the immediate progression, typically but not always in the cleared area ahead of mining. Some holes will be drilled to secure data (coal quality and structure tracking) for future studies. Drill holes will be sumped, geophysically logged, cemented and rehabilitated after completion.

Small areas of vegetation may need to be cleared prior to drilling, however generally the drilling activities will be located within the cleared area ahead of mining. There may also be some minimal impact drilling within forested areas using existing access tracks. Drill pads will typically have a maximum size of 30 m x 10 m. The management of Aboriginal heritage and flora and fauna impacts will be undertaken in accordance with the CHMP (Appendix B5) and the Clearing and Fauna Management Protocol (Appendix B of the BMP).

Drilling will be undertaken by up to 3 truck mounted or tracked rigs (one at each site). Support equipment for the rigs will typically include 4wd passenger vehicles, water and fuel trucks, sump vacuum trucks and compressors.

Drilling activities will be ongoing throughout the MOP term. They will generally be undertaken between 6:00 am and 7:00 pm seven days per week.

Up to 200 boreholes will be drilled during the MOP term to a maximum depth of 400 m. Of the 200 boreholes to be drilled, a maximum of ten will be drilled deeper than the Merriown seam. Drill holes will be between 100 mm and 260 mm in diameter and drilled using a RC percussion and core methods. Cores will be logged for lithology and analysed for raw coal quality. All holes will be vertical.

All drilling will be undertaken within the area indicated in Figure 5-2. The specific locations of boreholes will be confirmed progressively throughout the drilling program.

These extracts from the December 2018 MOP appear to explicitly state that the depth and quantity of proposed drilling extends beyond that which was assessed by Hansen Bailey in 2010.

The additional proposed drilling:

- Is not clearly defined or identified
- Was never assessed in the original 2010 EA
- Is not implicitly approved in the EA
- Is not assessed in the Mod 7 EA

Some of the possible environmental impacts are foreshadowed in the 2018 MOP when it states, for example, that “If produced water is generated (however unlikely,) drilling will cease until a Produced Water Management Plan is prepared...”(MOP 2018, 5.2.3., pp 60). This is not good enough.

The original 2010 Groundwater assessment (Australasian Goundwater and Environmental Consultants, 2010)¹ only assessed activities to the depth of the Merriown Seam. As such there is insufficient information or monitoring for any drilling beyond that depth.

¹ EA - Appendix O – Groundwater Assessment (AGE, 2010)
<https://www.idemitsu.com.au/mining/wp-content/uploads/Appendix-O-Groundwater-Assessment-Part-1.pdf>

We refer the IPC to Table 3 and Table 10 of the EA Groundwater assessment (AGE 2010). All of this is proposed without any additional oversight or proper environmental impact assessment.

WCCC considers that this is an unacceptable use of the modification process and the consequences to the environment are unknown.

Further, this use of modifications to accommodate past drilling must be rejected.

DRILLING PROGRAM EXTENDS BEYOND APPROVED MINE DISTURBANCE BOUNDARY

In addition to the above further in support of our view that drilling and exploration is not implicitly approved and should not now be explicitly approved is that the drilling includes areas **outside of the Approved Mine Disturbance Boundary** we refer to Appendix 2 of the existing NSW project approval and Figure 5-2 of the Mining Operations Plan (Dec 2018) (see below).

APPENDIX 2 PROJECT LAYOUT PLAN

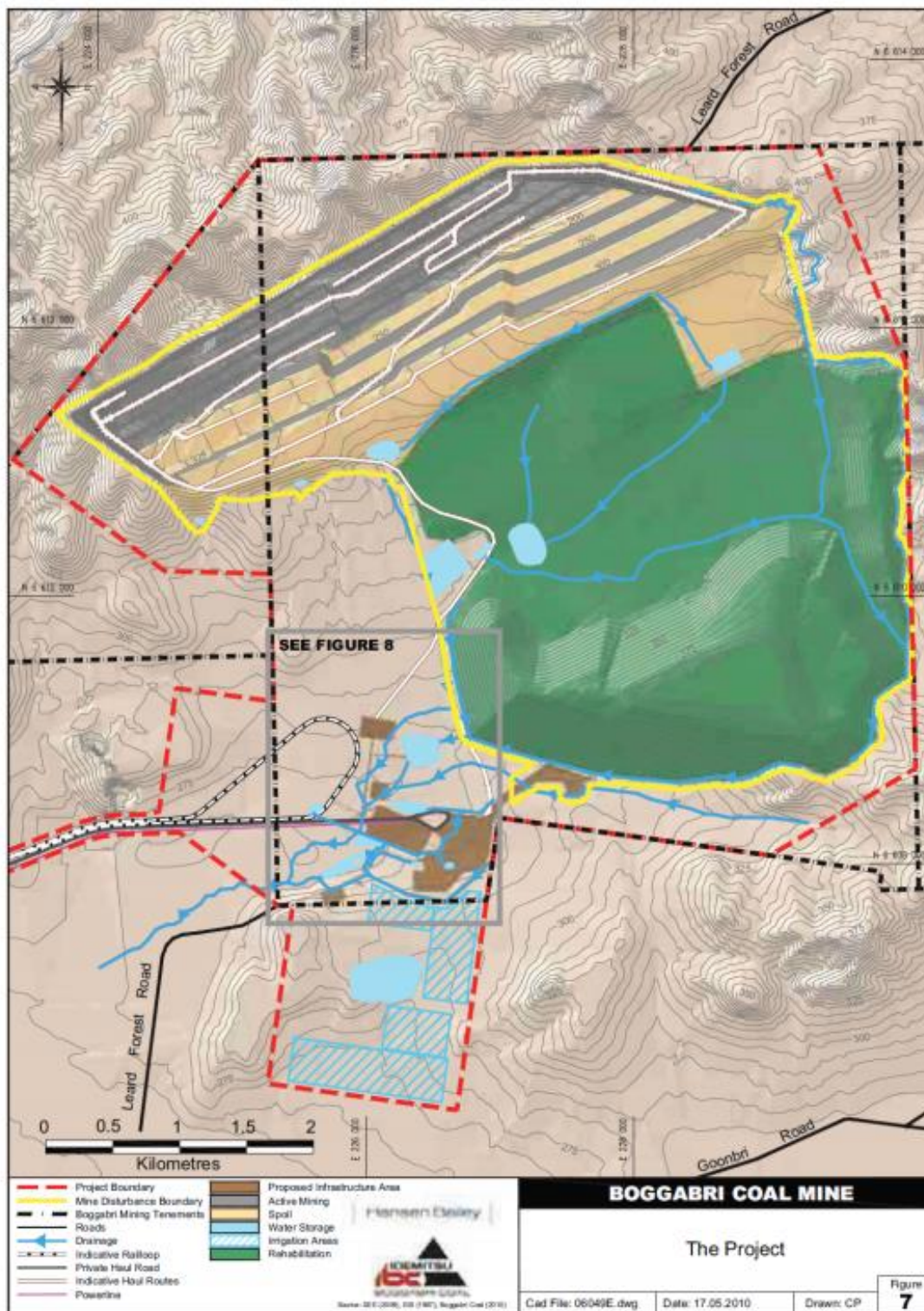




Figure 5-2 Area of drilling 2017-21

It is important to draw the Commissioners' attention to the fact that the proposed drilling area appears to overlap with the biodiversity offset corridor. This corridor is protected under the EPBC Approval. This protection occurred specifically to ensure a corridor for relevant protected species between Boggabri Mine and Maules Creek Mine. As such, this further suggests that the proposed modifications will result in significant environmental impact that requires proper assessment.

There are several ramifications of the fact that drilling and exploration is proposed outside of the Approved Disturbance Area. Potential impacts of drilling outside the mine disturbance area include:

- (i) Breach of the existing EPBC Conditions
- (ii) Being outside the Approved Mine Disturbance Boundary and Federal Approval Limit. As such, consideration should be given to the need for Mod 7 to be referred to the Commonwealth under the EPBC Act, including by reference to ss 24D or s 24E of the EPBC Act.
- (iii) Aboriginal Impact Assessment shows that the area outside the Approved Mine Disturbance Boundary which is to be subject to drilling is also the location of artefacts NV5 and NV14, and calls for fresh consultation with the Gomeroi Traditional owners.

2. WATER IMPACTS

ESSENTIAL DOCUMENTS NEEDED BEFORE IPC EQUIPPED TO DETERMINE MOD 7

Respectfully, we are of the view that it would be contrary to the Precautionary Principle for the Commission to proceed with a decision on Boggabri Mod 7, Part 3 “Drilling and Exploration Activities” until it is able to consider the potential groundwater impacts, including the potential for the drilling to speed up mine inflows.

Several key documents are required to enable the Commission to make a confident decision on Part 3 “Drilling and Exploration Activities”.

1. The AGE Report

- Report by AGE Consultants (Australasian Groundwater and Environmental Consultants) describes cumulative impact of the Leard Forest mines complex. Includes update of groundwater model, this update has been completed and peer reviewed.
- We understand that this report is dated between August 2018-March 2019.
- We understand that Stephen O’Donoghue, Acting Director of Energy and Resource Assessments, has a copy of this document.
- This document has been described as being “under review” by NSW Planning for some months now. Whatever its status, it should be disclosed without any further delay.

2. Risk Assessment for NSW Groundwater Water Sharing Plan

- The NSW Groundwater Stakeholder Advisory Panel has not yet been provided with the final Risk Assessment for the NSW Groundwater Sharing Plan, despite imminent Accreditation being due under the Murray Darling Basin Plan.
- Is the Commission satisfied that the risk of damage to the groundwater by bore drilling is being appropriately assessed using the DOI-Water mechanisms eg. If mining operations are excluded from consideration under the Namoi Alluvium Water Resource Plan Area, how are they being risk assessed?
- In the absence of Risk Assessment, Wando CCC argues that it is unsafe to approve Part 3 “Drilling and Exploration Activities”.

3. Leard Forest Mine Precinct Regional Water Strategy

- The Leard Forest Mine Precinct Regional Water Strategy is a requirement under the Boggabri Coal approval. For reasons unknown, and undisclosed to stakeholders, the Regional Water Strategy is now 4 years overdue (please check this with DPE, but that is our understanding of the Conditions).
- It is therefore unthinkable that drilling which could affect passive mine inflows, or result in the active pumping of groundwater, can be considered without full scrutiny of the Regional Water Strategy.

The Regional Water Strategy is specified at Condition 38 (d) to be prepared with other mines within the Precinct to:

- Minimise the cumulative water quality impacts of the mines;
- review opportunities for water sharing/water transfers between mines;
- coordinate water quality monitoring programs as far as practicable;
- undertake joint investigations/studies in relation to complaints/ exceedances or where cumulative impacts are considered likely; and
- coordinate modelling programs for validation, recalibration and re-running of the groundwater and surface water models using approved mine operation plans.

To approve of any further cumulative impact in the absence of the Regional Water Strategy would be a very serious error.

IPC SHOULD OBTAIN ADVICE FROM DOI-WATER BEFORE DETERMINING MOD 7

We note that **there appears to be no agency advice from the Department of Resources and Industry – Water**. We do not know if the Boggabri Mod 7 was brought to the attention of DOI-Water, and the agency declined to comment, or if the DPE's description of Mod 7 as a mere "administrative" modification has led to DOI-Water to disregard it.

As such, we request that the IPC seek comment from DOI-Water prior to making a decision on Mod 7. In particular to examine the implications of the drilling program as detailed in the MOP(2018) on groundwater impacts. We believe that the drilling program should be supported by an Environmental Impact Statement which fully addresses the likelihood and extent of risks.

The impacts on the Gunnedah-Oxley Groundwater Porous Rock Water Source must be considered, and a Risk Assessment conducted via the appropriate mechanisms under the Water Sharing Plan for groundwater in NSW.

We have concerns regarding Boggabri Coal's ability to predict water impacts due to:

- Loss of groundwater by farmers near the mine without satisfactory explanation. Boggabri Coal has been making good stock water supplies to at least one local farm for nearly a year without admitting liability for their loss of groundwater;
- The requirement for Mod 5 to build a new bore field less than five years after commencement of approved operations.
- The unknown impacts of drilling on the Gunnedah-Oxley Groundwater Porous Rock Water Source, soon to be the subject of the Murray-Darling Basin Plan Accreditation.

Applying the Precautionary Principle and a Risk Management approach in the case of Mod 7 it is essential that any decision on drilling 200 bore holes by the end of 2021 and an unknown number thereafter, (as detailed in the current MOP 2018) should be delayed until the risks to the groundwater in the Lower Namoi Groundwater Zone and the Gunnedah-Oxley Porous Rock Water Source are better understood.

Adding to our concern, is the fact that the aquifer and groundwater system in the area of the mines is, by common agreement, poorly understood.

For the benefit of the Commissioners, the Namoi River alluvial aquifer is not a shallow aquifer as claimed by the mines but goes to 185m depth, as described below:

“The Namoi River alluvial aquifer has two stratigraphic units, the basal Gunnedah Formation and the overlying Narrabri Formation. The Narrabri Formation is up to 70 m thick and is comprised of clayey flood deposits with interbedded sand and gravel which typically form low yielding aquifers.

The underlying Gunnedah Formation is a productive aquifer used for irrigation, being up to 115 m thick and is dominated by sand and gravel deposits that fill paleo-channels. Finer grained sediments in the Narrabri Formation can act as a storage zone for salts with water quality varying from fresh to saline. The coarser sediments in the underlying **Gunnedah Formation generally contain better quality low salinity groundwater.**”

(Source: Maules Creek Coal Project, Environmental Assessment, Main report, Pt 3, p. 152)

Our Submission objecting to the Vickery Extension project³ (see pp 4-8 Groundwater Assessment) drew the attention of the Commission to the proximity of the Vickery mine to the Leard Forest mine precinct, pointing out that a 10-bore array to the north of the Vickery mine is close to the Tarrawonga and Boggabri mines, and that the cumulative impacts on groundwater extraction were not being considered.

This attempt to drill below Boggabri Coal’s current approval limit (Merriown Seam) and through a further eight coal seams to the basement of the coal basin, without proper consideration of the cumulative impacts is another example of this.

If, the IPC were to approve this drilling and exploration modification, we request that the Commissioners impose suitable consent conditions, which in our minds would have to include:

- Prohibition against pumping water from any of these bores at any time after drilling and completion of core sampling;
- No bores should be deeper than the approved Merriown coal seam
- Immediate reporting to the Boggabri CCC if the water levels were observed to be changing within any of bores, whether inside or outside the proposed bore field. For example, rising water levels due to upwards pressure within the borefield or falling water levels due to a reduction of pressure outside the bore field;
- Obligatory testing and reporting of the nature of the substance being produced, whether it is a sludge, slurry or water;
- Mandatory reporting of amount of water produced by the wells in the form of a specific water balance report that is disclosed to the Boggabri CCC on a quarterly basis;
- A Waste Management Plan approved by the NSW EPA Waste Branch as to the end-point of disposal of any drill cuttings, whether they be in solid or semi-solid form.

We call on the IPC to thoroughly interrogate the above concerns in the course of its assessment of the Boggabri Mod 7.

³ Vickery Coal Mine Project – Wando Conservation and Cultural Centre Inc. Submission <https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2019/01/boggabri-coal-mine-mod-7/redacted-comments/31.pdf>

3. SECURITY OF BIODIVERSITY OFFSETS

We note that DPE's draft conditions adopt OEH's recommendations. These recommendations improve specificity of the offset requirements. i.e. whereas Idemitsu requested that the condition be amended to permit long term security in any 'form of binding agreement acceptable to the Secretary'. DPE's proposed amendments specifically identifies three available options:

- BC Act biodiversity stewardship agreement
- BC Act conservation agreement
- Transfer land to National Parks

Given the additional time to secure the offsets, we are concerned about the additional harm that will be created in the meantime. Considering the impacts to surface disturbance around the proposed bore holes- said to be 200 in the 2018 MOP term, with clearing of 10 metres x 30 metres and connecting road and industrial activity, there is a considerable risk of harm.

1. We are deeply concerned over the impacts to biodiversity that have occurred thus far and the inadequate assessment in relation to disturbance from Mod 7 and the overall management and offsetting that has occurred thus far.
2. We do not believe that adequate explanation has been provided for the delay in securing the offsets.
3. We do not believe that such an extension should be granted.

Our key concern now lies with the extension of time for securing the offsets. We are skeptical that Boggabri Coal will ever be able to secure offsets considering the inability to secure irreplaceable offsets. The grave responsibility to ensure the survival of species, and of Critically Endangered Ecological Community the White Box Grassy Woodland, is enshrined in the Conditions of consent, both State and Commonwealth and in the circumstances, adhering to a timeline is just and critical.

WCCC strongly object to any changes that could be used to impact the existing biodiversity corridor. WCCC opposes words that will weaken the existing condition provisions. Particularly regarding;

- retaining connectivity within and between all remaining undisturbed habitat including the biodiversity corridor;
- exploration within the biodiversity corridor;
- ensuring EPBC approval, Condition 3, for the protection of the 500m wide Biodiversity Corridor between Boggabri Coal mine and Maules Creek Coal mine cannot be replaced by rehabilitated habitats or moved to allow exploration and mining of this corridor; and
- allowing further delays to secure offsets.

We refer the IPC to the current situation on-ground focused on the survival of species at Leard Forest. Our investigations revealed that it is not going so well. And by Boggabri Coal's own reporting, species recovery rates at its rehabilitation sites are not very high (Source: Community Comments of the Southern Rehabilitation Strategy Report – see attached).

All the efforts of experts, such as the ecological consultants WSP Parsons Brinckerhoff who advise Boggabri Coal, and all the hope and aspirations in the world will not change the fact that the

Critically Endangered Ecological Community the White Box Grassy Woodland is being destroyed and its survival anywhere depends on protecting connectivity with all undisturbed habitat which remains. Rehabilitation is no substitute for retaining the original habitat.

It is in this context that we express our concerns about the changes to Condition 47. The circumstances surrounding the long-term security of offsets are a huge concern.

The problem is, that no one knows exactly what the problem is that has caused such lengthy delays to the securing of offsets in perpetuity. The Leard Mine Precinct Regional Biodiversity Strategy ran three years late, apparently due to delays in introducing the Biodiversity Conservation Trust.

4. Aboriginal Cultural Heritage: “not to be impacted”

We have been disturbed to learn that part of the Drilling and Exploration will occur on a part of Leard Forest which is currently outside the Approved Mine Boundary, and in an area which was previously surveyed and found to contain artefacts NV5 and NV14.

We note that in the original EA (Fig. 29, p. 123) the two locations where these artefacts were found, were classed in the Figure Key as “newly identified sites not to be impacted”. (See Figure below)

We understand that the Gomeroi representative on the Boggabri Community Consultative Committee has previously requested the opportunity to survey this area.

It would have been appropriate for Boggabri Coal to be more accurate in its description of the Project and up front about the fact its new bore field will be on that land.

Boggabri Coal should acquiesce to the demands of the Gomeroi Traditional Custodians and give them access for surveys, for ceremony, when they so wish.

That is our position.

5. ROAD TRANSPORT IMPACTS

We note that an annual limit on coal samples to be transported by road has been applied by DPE to this modification to the PA.

Narrabri Shire Council raised concerns about the transportation of coal by road. The DPE Assessment Report seeks to diminish the seriousness of adding more vehicles on the road, and the Applicant itself has provided more detail in its 20 February letter, stating that “coal samples are usually small...and may be as small as single 220 litre drum (150kg)” requiring light vehicle transportation. With respect, while this may be the case, the assertion does not state how many of the samples by road would not be small.

We are disappointed at the lack of rigor that has been applied by the DPE to the assessment of road transport impacts, and the continuing use of pre-2012 road transport statistics which pre-date the mines.

If, the IPC were to approve this road transport modification, we request that the Commissioners impose suitable consent conditions, which would have to include:

- a maximum number and frequency of trips per year
 - a designated route
- that the existing condition of gaining approval from the RMS and councils for the transport of coal via heavy vehicles (thus excluding light vehicles) be maintained.

6. ONGOING BREACHES

On the information available it appears the approval holder has been breaching a number of the project approval conditions.

We consider that, in determining Mod 7, the IPC should take these matters into account. In particular, WCCC is concerned about the following three categories of possible breaches by the Proponent;

1. Drilling and Exploration Activities;
2. Transport of coal by road; and
3. Biodiversity offset long term security arrangements.

Drilling and Exploration Activities

An investigation of Boggabri Coal's Annual Review 2017 and Annual Environmental Management Reports 2013, 2014, 2015, 2016 (Appendix A) reveals changes in the depth, type, purpose and quantity of exploration and drilling activities (see summary below). We are concerned that there may have been an ongoing Drilling and Exploration Program with no apparent authority to explore or drill in place.

Our key concerns which WCCC believe require investigation are; the number of exploration drill holes increasing from 1 to 47 per year; maximum depth exceeding 180m (the maximum mining depth details in EA 2010, pp 22) in all years; Holes left open for unspecified geophysical testing in 2016 & 2017; and 27 holes left open in 2017.

The change in the Exploration Program is summarized for the benefit of the IPC using the extracts from Boggabri Coal's Annual Reporting. (Refer to Appendix A)

AEMR 2013

1 drill hole for NGER reporting and to update short term mine model. Hole sealed. Maximum depth 216.56m. (pp 18, 2.4 Exploration)

AEMR 2014

5 infill drill holes for NGER reporting and update modelling. All holes sealed. Maximum depth 291.4m. (pp 19, 2.4 Exploration)

AEMR 2015

44 infill drill holes for exploration/coal quality testing. All holes sealed. Maximum depth 200.86m. (pp 8-9, 3.4 Exploration)

AEMR 2016

33 infill drill holes for exploration/coal quality testing. 32 holes sealed. 1 Hole left open for geophysics testing in 2017. Maximum depth 198.49m. (pp 16-17, 3.4 Exploration)

Annual Review 2017

47 infill drill holes for exploration/coal quality testing and greenhouse gas emission estimates(2 holes). 19 holes sealed. 28 holes left open for geophysical testing. Maximum depth 337m (pp 20-21, 3.4 Exploration).

No mention made of hole which had been left open in 2016.

Figure 3.1 (pp 22) refers to four different 'series' of drill holes S, Q, D, & LD

Transport of Coal Samples by Road

The Proponent has been transporting ute loads of coal from Boggabri Coal mine site to the Coal loader in Gunnedah outside its consent condition – i.e. namely without seeking permission or even notifying the RMS and the Councils.

This ongoing potential breach has been self-reported to the Community Consultative Committee. 'Small samples in utes are transported regularly and technically the approval does not allow this.' Peter Forbes – Minutes, CCC Mod 7 Consultation 26/9/18).

WCCC's position in respect to these breaches concerns why this has been allowed to occur, ongoing? BC reported in the Mod 7 CCC minutes that on the one occasion it worked within the project condition in relation to one trucking load, it was successful. Yet now seeks to have the condition removed altogether. The argument has not been made as to why this condition should be removed.

Biodiversity offset long term security arrangements

Compliance was required by 2014, yet the offsets have not been secured or any evidence of an extension being granted. The approval may have been in breach for 5 years.

We are concerned that this may constitute an ongoing breach since 2014. As stated in correspondence to the DPE Secretary 29 October 2018 [letter attached].

WCCC does not see why an extension of time is required by the Proponent for registering the offsets. We note that the original time in the conditions is December 2014 and the new proposed time is December 2019. We have not identified any evidence that the December 2014 time limit has been formally extended. Further, Condition 47(a) of schedule 3 of the conditions of approval, as extracted at p. 23 of the EA, requires the Proponent to register the conservation agreements 'by December 2014 unless agreed otherwise by the Secretary after consultation with Chief Executive of OEH'.

We are concerned that this Modification application is a tidy up of a breach that in fact is causing significant and ongoing material harm to the environment.

In summary, WCCC's objection in relation to the potential breaches, is that no regulatory cost appears to have occurred. All the while, the proponent, is degrading the quality of the community and environment we live in by breaching these conditions. Boggabri Coal Mine needs to work to its

conditions before it seeks to changes others. The people of NSW expect adherence to PAs by companies, not a relaxing of the conditions to claim compliance.

This is not the role of Modifications. At best, Mod 7 is a waste of community and decision makers time and money.

This kind of behaviour by corporations should be explicitly discouraged and not rewarded with approvals, especially when the changes sought materially worsen the community and environmental outcomes. This seems contrary to the purpose of having conditions in place. It appears no costs (i.e. fines) are applied to companies for breaching conditions. WCCC finds this unacceptable.

7. PROPONENT’S CONCERNS RE “SIGNIFICANT DELAYS IN THE ASSESSMENT PROCESS”

We refer to the letter of 20 February 2019 from Idemitsu Australia Resources to Stephen O’Donoghue, Acting Director, Resource and Energy Assessments, cc Robert Bisley, Senior Planner of the Independent Planning Commission – “unfortunately, there has been significant delay in the assessment of the Modification Application” stating that the s 75W application was lodged in February 2018.

The letter exhorts the Commissioners to determine the Modification application as soon as possible, under s 75W.

We fully expect that the IPC will not be influenced by such a request in making its decision and will reach a determination only when the Commissioners are satisfied that they have access to sufficient information to enable them to do so.

To the extent that this delay is relevant, we note the following:

- (a) The company states that there have been “significant delays to the assessment process already”. We question why this is so, as the Modification has been known of only since August 2018 when announced at an urgently convened meeting of the Boggabri Community Consultative Committee.
- (b) The company furthermore states that “delay in determining the Modification Application is giving rise to significant commercial and operational impacts at BCM”. No explanation or evidence is provided.
- (c) The Modification was lodged in February 2018. It is unclear why public consultation did not commence until August 2018 and the Modification only appeared on the DPE’s Major Projects website on 11 October 2018.

8. CONCLUSION

We request that the Commission provide a statement of reasons for the decision it makes in relation to Modification 7.

WCCC thanks the Commissioners for the opportunity to participate in the Boggabri Coal Mine Mod 7 process. WCCC hopes that the Commission will observe that while some aspects of Mod 7 are of an administrative nature (eg. the emplacement and Tarrawonga boundary changes), the biodiversity changes and exploration and drilling modifications are most decidedly material in nature, and material in their potential consequences. The materiality of the potential impacts of the biodiversity, drilling and exploration modifications is both **environment and legal**.

The IPC should consider all of the issues raised by stakeholders and require further, thorough investigation of the impacts of Mod 7 before making a determination. In doing so, we believe the Commission should apply a Precautionary approach.

Wando Conservation and Cultural Centre
wandoccc@gmail.com

26 April 2019



Boggabri Coal Pty Ltd

Boggabri Coal Mine Annual Environmental Management Report 2013

30 June 2014

2.3 Production statistics

Mine production at BCM is carried out by the mining contractor, DEM and haulage contractor, LCR. Mining is undertaken in accordance with the approved BCPL MOP and DEM's work standards and procedures, which have been developed to ensure ongoing compliance with the approved management plans and MOP.

A summary of production results are provided in Table 2-2.

Table 2-2 Production and waste rock summary

Cumulative Production	Reporting Period		
	2012 (bcm)	2013 (bcm)	2014 (predicted) (bcm)
Topsoil Stripped	1,115,221	1,374,999	1,642,673
Topsoil Replaced	139,662	166,690	196,900
Waste Rock	123,639,721	159,104,472	202,373,477
Coal	10,667,006	14,573,765	18,831,069
Processing Waste	-	-	-
Production	135,561,610	175,219,926	222,847,219

2.4 Exploration

Exploration drilling was undertaken early 2013 by BCPL for the purpose of gas determination for NGER reporting and resource development. This included 1 drillhole BC2202, details of which are provided in Table 2-3 and illustrated in Figure 2-3. Structure data from the hole was also used to update the short term mine model.

Table 2-3 Exploration drilling by BCPL

Hole ID	East_MGA	North_MGA	Collar	TD	Drill Start	Drill Finish	Hole Status	Seal Date
BC2202	229201.56	6611335.68	324.15	216.56	08/01/2013	13/01/2013	Sealed WHC	Jan-13

Exploration drilling was also undertaken in 2013 by Whitehaven Coal Mining Pty Ltd (Whitehaven Coal) on CL368 to confirm coal quality and determine placement of the northern pit crest (Figure 2-4). The programme included the drilling of 16 open limit of oxidation holes and 2 fully cored HQ drill holes to intersect the Nagero Lower Seam. Results from the Whitehaven Coal programme are summarised in Table 2-4. Rehabilitation of 2013 drill sites was completed directly after drilling. Subsequently, the area is now being cleared for the northern progression of the mine.

Table 2-4 Exploration drilling by Whitehaven Coal

Hole ID	Site No	East MGA	North MGA	Collar	TD	Drill Start	Drill Finish	Hole Status	Seal Date
TA123	M132	228300.9	6608279	303.1818	66	25/08/2013	25/08/2013	Sealed WHC	Sep-13
TA124	M141	228225	6608277	301.4941	28	25/08/2013	25/08/2013	Sealed WHC	Sep-13
TA125	M139	228175.3	6608276	300.2315	66	25/08/2013	26/08/2013	Sealed WHC	Sep-13
TA126	M146	228071.3	6608284	297.9139	60	26/08/2013	26/08/2013	Sealed WHC	Sep-13
TA127	M144	228232.6	6608331	300.8024	60	26/08/2013	26/08/2013	Sealed WHC	Sep-13
TA128	M121	228151.4	6608381	298.9677	48	27/08/2013	27/08/2013	Sealed WHC	Sep-13
TA129	M138	228128.1	6608320	298.8366	54	27/08/2013	27/08/2013	Sealed WHC	Sep-13
TA130	M118	227875.5	6608268	297.2502	54	5/09/2013	5/09/2013	Sealed WHC	Sep-13
TA131	M117	228035.9	6608234	297.6026	63	5/09/2013	5/09/2013	Sealed WHC	Sep-13
TA132	M137	228096.9	6608221	298.7531	60	5/09/2013	5/09/2013	Sealed WHC	Sep-13
TA133	M136	228190.1	6608217	301.3153	54	6/09/2013	6/09/2013	Sealed WHC	Sep-13
TA134	M130	228254.9	6608208	303.6146	54	6/09/2013	6/09/2013	Sealed WHC	Sep-13
TA135	M140	228132.4	6608262	299.2636	60	7/09/2013	7/09/2013	Sealed WHC	Sep-13
TA136	M131	228261.1	6608274	302.4299	54	7/09/2013	7/09/2013	Sealed WHC	Sep-13
TA137	M143	228034.2	6608398	296.6126	48	7/09/2013	7/09/2013	Sealed WHC	Sep-13
TA138	M145	228251.3	6608404	300.0176	48	8/09/2013	8/09/2013	Sealed WHC	Sep-13
TA139C	M122	227944	6608565	294.6576	54.3	8/09/2013	9/09/2013	Sealed WHC	Sep-13
TA140C	M134	228326.2	6608382	301.4203	60.2	10/09/2013	11/09/2013	Sealed WHC	Sep-13

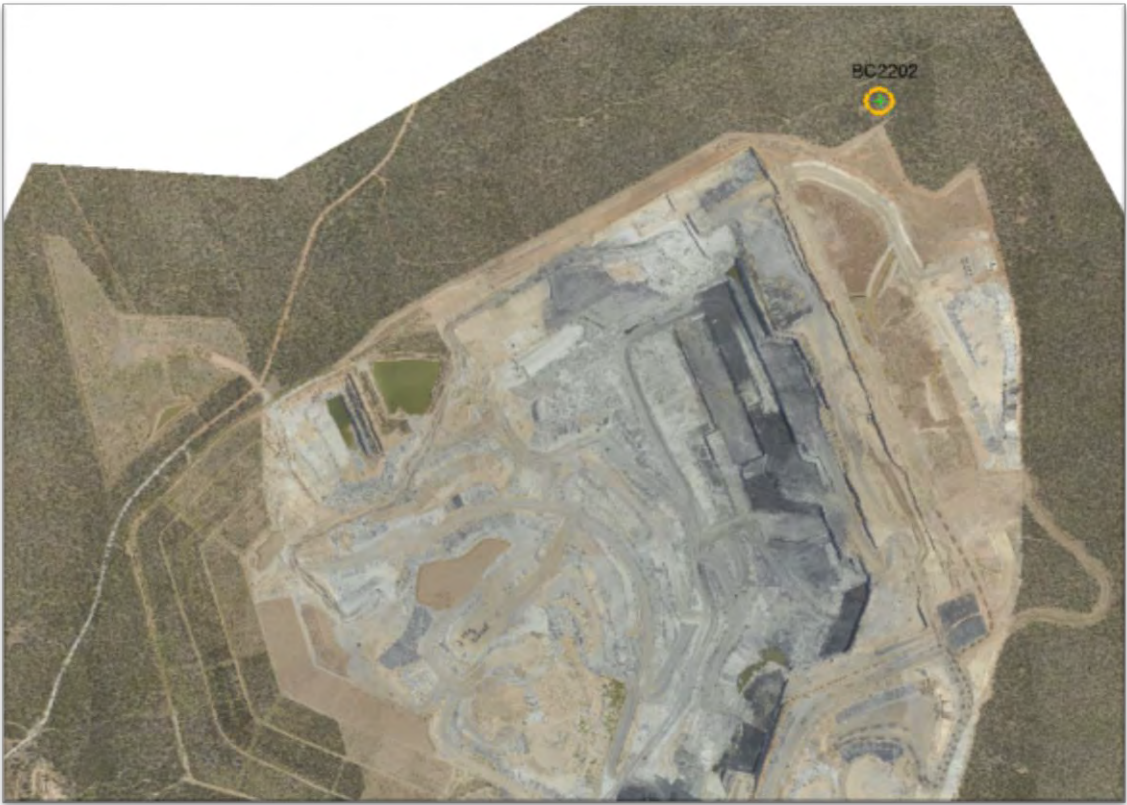


Figure 2-3 BCPL drillhole location



Figure 2-4 Whitehaven Coal drillhole locations



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2.4 Exploration

Exploration drilling was undertaken in 2014 by BPCL for the purpose of gas determination for NGER reporting requirements, and for the purpose of determining coal quality and structure for modelling through the installation of infill drill holes. A total of five exploration holes were drilled by BCOPL during the reporting period as detailed in Table 2.4 and illustrated in Figure 2.1.

Table 2.4 BCM exploration drilling

Hole	MGA Easting	MGA Northing	COLLAR RL	TD (m)	Drill Start	Drill Finish	Hole Status	Purpose
BC2207	228996	6610845	333.0	177.2	8/01/2014	14/01/2014	Cemented	Exploration
BC2208	228891	6611028	318.3	177.2	15/01/2014	19/01/2014	Cemented	Exploration
BC2209	227744	6610685	293.6	75.2	28/01/2014	30/01/2014	Cemented	Exploration
BC2210	230129	6611639	405.4	231.7	22/07/2014	29/07/2014	Cemented	Gas testing
BC2211	229120	6612780	365.6	291.4	5/08/2014	14/08/2014	Cemented	Gas testing

All drill holes were sealed on completion of the drilling programmes, noting BC2210 was sealed with a full string of steel rods within it. Gas results from BC2210 and BC2211 indicate levels of gas slightly above the detectable threshold. Holes were drilled relatively proximal to previous boreholes and as such did not add to the structure or quality model.

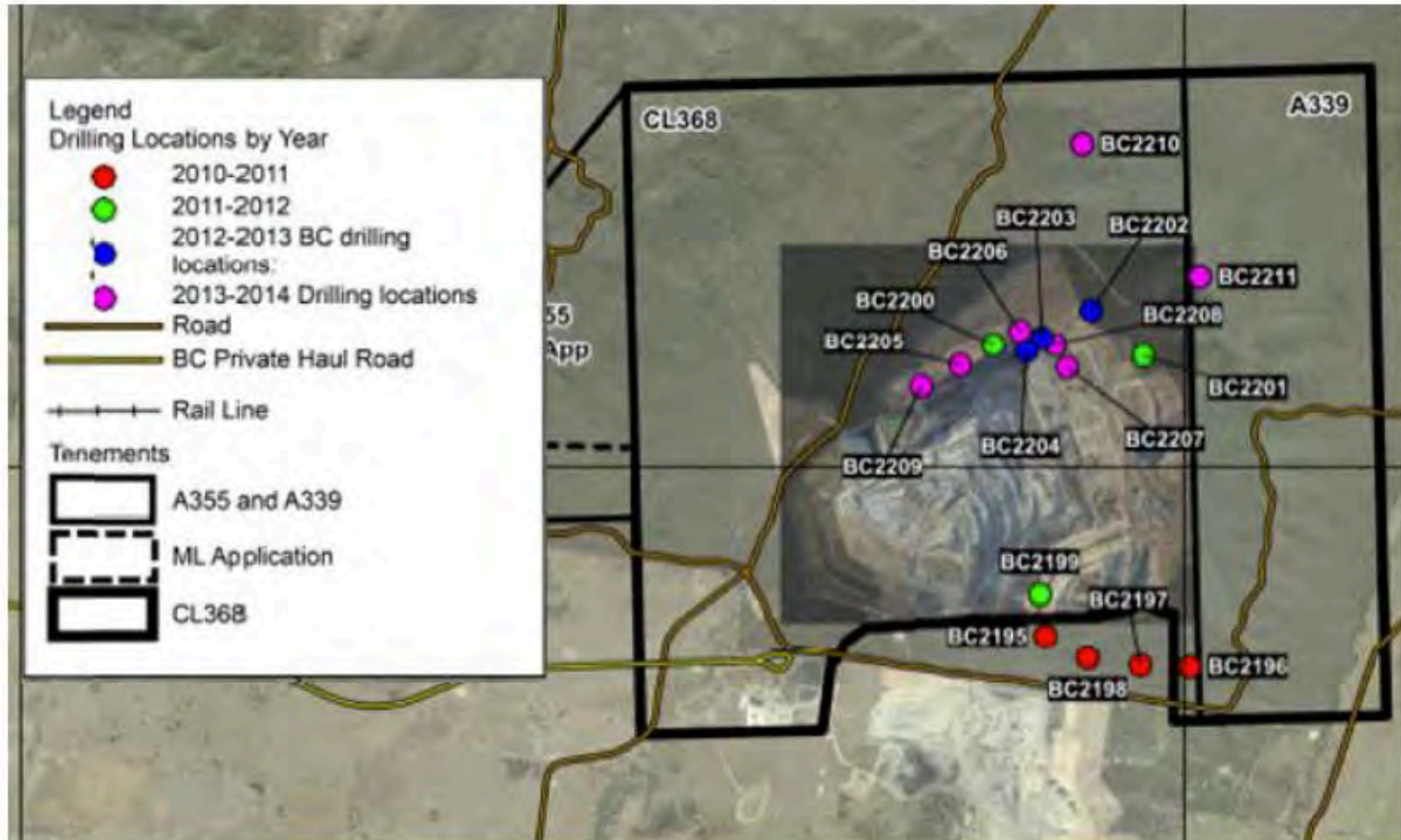


Figure 2.1 Exploration drilling locations



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Table 3-3 Compliance with Project Approval Conditions

Project Approval Condition No. and Description	Compliance Response
8. The Proponent shall not extract more than 3.5 million tonnes of ROM coal from the site in any calendar year (on a pro rata monthly basis) whilever coal is being transported along the private haul road to the coal loader, unless a road safety audit at the intersections of Leard Forest Road and Therribri Road has been completed in consultation with Council and RMS, and any recommended actions implemented to the satisfaction of the Secretary.	Compliant – coal was transported primarily via the rail spur during 2015
9. The Proponent shall not extract more than 4.5 million tonnes of ROM coal from the site in any calendar year (on a pro rata monthly basis) or undertake mining operations outside the disturbance area approved under DA36/88 MOD 2, unless the Biodiversity Management Plan required under condition 49 of Schedule 3 has been approved by the Secretary.	Compliant – mining operations were not undertaken outside the approved disturbance area. The Biodiversity Management Plan has been approved.
10. The Proponent shall not extract more than 8.6 million tonnes of ROM coal from the site in any calendar year.	Compliant – 7.664Mt of ROM Coal was extracted in 2015
11. The Proponent may process up to 3.5 million tonnes of ROM coal in the CHPP in any calendar year.	Compliant – 2.379Mt were processed during 2015
11A. The Proponent shall not process any coal from the Tarrawonga coal mine unless it has demonstrated that adequate water license are held to account for the required water use associated with processing this coal, to the satisfaction of the Secretary.	Compliant – no coal was processed for Tarrawonga Coal Mine in 2015
12. The Proponent may transport up to: (a) 7 million tonnes of product coal from the Boggabri coal mine in any calendar year; and (b) 3 million tonnes of product coal from the Tarrawonga coal mine in any calendar year.	Compliant – 6.626Mt of product coal was transported in 2015
13. The Proponent may only transport coal from the site by road for 22 months following the date of this approval, or for such additional period as may result from delays in construction of the Boggabri Rail Spur Line as agreed by the Secretary. Following expiry of this period, all coal is to be transported from the site via the Boggabri Rail Spur Line unless in exceptional circumstances as agreed with RMS, the Council and approved by the Secretary.	Compliant – transport of coal by road has ceased. The Rail Spur was operational throughout 2015.

3.4 Exploration

Exploration drilling was undertaken in 2015 by BCOPL for the purpose of determining coal quality and structure for modelling through the installation of infill drill holes. A total of 44 exploration holes were drilled by BCOPL during the reporting period as detailed in Table 3-4. All holes were completed for the purpose of exploration/coal quality testing. Figure 3-1 indicates the location of exploration drillholes during the 2015 calendar year, in addition to all holes drilled prior to 2015.

Table 3-4 BCM Exploration Drilling

Hole	MGA Easting	MGA Northing	Ground RL	TD (m)	Drill Start	Drill Finish
BC2218	228693.01	6611809.32	318.39	138	15/06/2015	15/06/2015
BC2216	229284.16	6611848.13	340.92	182	13/06/2015	13/06/2015
BC2217	229405.14	6611711.33	345.20	190	14/06/2015	14/06/2015
BC2212	227599.43	6610883.40	297.34	120	10/06/2015	10/06/2015
BC2214	227223.60	6610687.82	295.41	100	12/06/2015	12/06/2015
BC2213	227309.06	6610557.30	292.73	90	11/06/2015	11/06/2015
BC2215	227390.94	6610815.36	296.57	100	12/06/2015	12/06/2015
BC2224C	227366.37	6610670.44	294.47	87.32	8/07/2015	9/07/2015
BC2220C	227754.00	6611300.47	300.67	104.34	3/07/2015	5/07/2015

Hole	MGA Easting	MGA Northing	Ground RL	TD (m)	Drill Start	Drill Finish
BC2219	228021.91	6611368.83	303.94	102	15/06/2015	3/07/2015
BC2221	228284.57	6611614.80	311.35	96	5/07/2015	6/07/2015
BC2223	228857.35	6611927.75	326.96	148	7/07/2015	8/07/2015
BC2222	228998.94	6611993.73	334.26	156	6/07/2015	6/07/2015
BC2227	229333.28	6611522.45	331.06	177	12/07/2015	12/07/2015
BC2226	229387.70	6611050.01	326.50	156	11/07/2015	11/07/2015
BC2225	229011.69	6611686.26	326.14	156	10/07/2015	11/07/2015
BC2228	227060.96	6610777.76	297.40	111.31	20/07/2015	22/07/2015
BC2229	227473.40	6611138.47	300.85	108	22/07/2015	22/07/2015
BC2230	229247.50	6611984.38	341.92	174.51	23/07/2015	26/07/2015
BC2231	229473.06	6611230.75	331.70	167	27/07/2015	27/07/2015
BC2232	229583.73	6611531.21	338.19	183	28/07/2015	28/07/2015
BC2233	226508.79	6610710.00	303.50	104	28/07/2015	30/07/2015
BC2234	229544.76	6611119.24	333.34	162	30/07/2015	31/07/2015
BC2235	227631.84	6611403.51	303.71	111	31/07/2015	1/08/2015
BC2236	229468.52	6611394.01	327.26	172	1/08/2015	2/08/2015
BC2237	229451.34	6610860.95	329.84	146	10/08/2015	10/08/2015
BC2230R	229242.22	6611981.92	341.83	92.95	15/08/2015	18/08/2015
BC2238	229590.02	6611722.66	353.07	200.86	11/08/2015	15/08/2015
BC2239	229127.19	6611907.11	336.24	166	18/08/2015	19/08/2015
BC2240	228996.09	6611874.27	328.80	155	19/08/2015	19/08/2015
BC2241	227752.08	6611172.32	299.66	101.92	20/08/2015	22/08/2015
BC2242	227492.86	6610864.63	297.18	96	22/08/2015	23/08/2015
BC2243	227558.24	6610968.34	298.56	94.55	23/08/2015	23/08/2015
BC2244	227321.86	6610831.50	296.61	101.65	23/08/2015	2/09/2015
BC2245	227151.47	6610711.49	296.25	102	2/09/2015	2/09/2015
BC2246	227930.26	6611387.03	303.72	99.44	28/10/2015	30/10/2015
BC2247	228528.47	6611748.19	315.41	114.46	30/10/2015	1/11/2015
BC2248	228444.73	6611701.49	313.98	100.8	1/11/2015	14/11/2015
BC2249	228354.93	6611644.06	312.36	93.4	14/11/2015	16/11/2015
BC2250	228183.47	6611548.22	308.70	98.18	16/11/2015	18/11/2015
BC2251	228095.81	6611493.72	306.89	103.63	18/11/2015	21/11/2015
BC2252	228009.08	6611444.63	305.63	100.9	21/11/2015	23/11/2015
BC2253	227837.91	6611342.50	301.49	100.59	23/11/2015	26/11/2015
BC2254	227689.02	6611255.91	301.22	105.54	4/12/2015	6/12/2015

All drill holes were sealed on completion of the drilling programmes. Holes were drilled relatively proximal to previous boreholes and as such did not add to the structure or quality model.

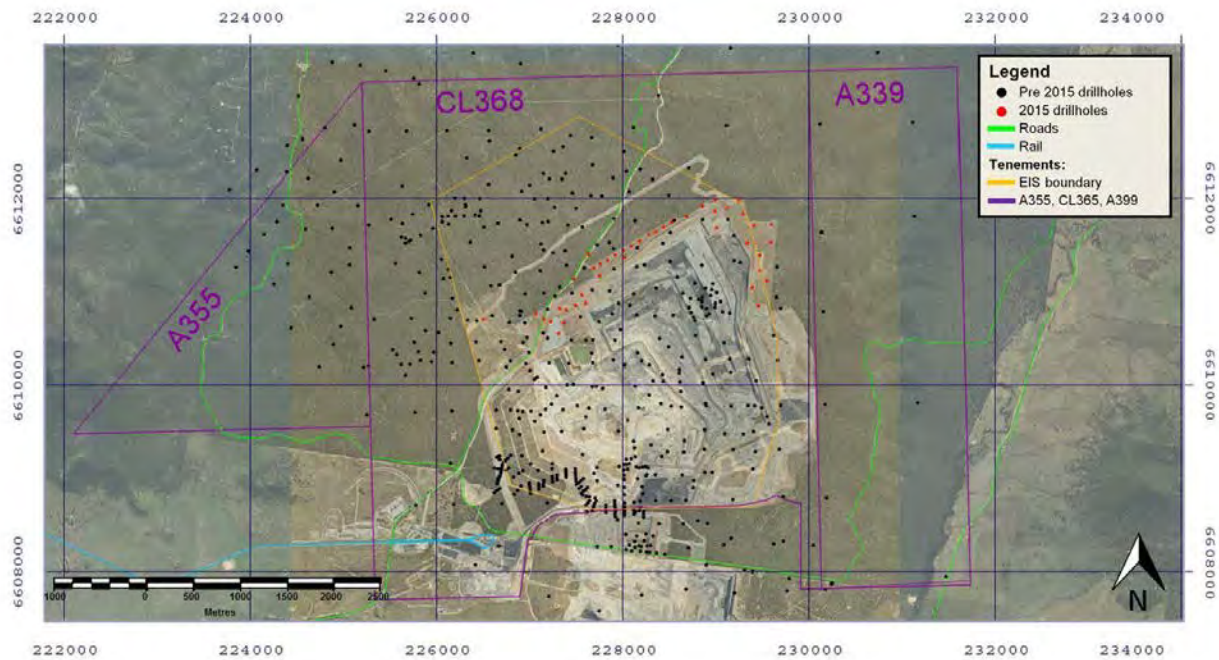


Figure 3-1 Exploration Locations during 2015 and Prior

3.5 Construction Activities during 2015

Construction activities for the Boggabri Coal Expansion Project (BCEP) were completed during the reporting period. BCEP relates to the expansion of BCM in accordance with the construction activities described in the 2010 EA and approved under the current PA. This construction was undertaken to minimise environmental and operational risks, provide greater operational flexibility, improve coal quality, meet market demands, add value to the coal resource, provide economic growth and ensure the long term viability of BCM.

A summary of BCEP infrastructure components, ancillary construction undertaken during the reporting period and their completion status is provided in Table 3-5.

Table 3-5 Summary of Construction Activities during the Reporting Period

Infrastructure	Commencement Date	Completion Date
Mine Infrastructure Area (MIA)		
Site water management infrastructure	Completed at various stages throughout the reporting period	Ongoing
CHPP construction and commissioning	January 2014	April 2015
Rejects road	January 2015	April 2015
Expansion of SD3 and SD12	September 2015	January 2016
Rail Spur		
Site compound	December 2013	Mid 2015
Rail spur line track work	January 2014	December 2014
Rail spur signalling	January 2014	March 2015



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Project Approval Condition No. and Description	Compliance Response
9. The Proponent shall not extract more than 4.5 million tonnes of ROM coal from the site in any calendar year (on a pro rata monthly basis) or undertake mining operations outside the disturbance area approved under DA36/88 MOD 2, unless the Biodiversity Management Plan required under condition 49 of Schedule 3 has been approved by the Secretary.	Compliant –The BMP has been approved.
10. The Proponent shall not extract more than 8.6 million tonnes of ROM coal from the site in any calendar year.	Compliant – 7.8Mt of ROM Coal was extracted in 2016
11. The Proponent may process up to 4.2 million tonnes of ROM coal in the CHPP in any calendar year.	Compliant – 3.9 Mt of ROM coal was processed in the CHPP during 2016
11A. The Proponent shall not process any coal from the Tarrawonga coal mine unless it has demonstrated that adequate water license are held to account for the required water use associated with processing this coal, to the satisfaction of the Secretary.	Compliant – no coal was processed for Tarrawonga Coal Mine in 2016
12. The Proponent may transport up to: (a) 7 million tonnes of product coal from the Boggabri coal mine in any calendar year; and (b) 3 million tonnes of product coal from the Tarrawonga coal mine in any calendar year.	Compliant – 6.9 Mt of product coal from the Boggabri coal mine was transported in 2016. No coal from the Tarrawonga coal mine was transported in 2016.
13. The Proponent may only transport coal from the site by road for 22 months following the date of this approval, or for such additional period as may result from delays in construction of the Boggabri Rail Spur Line as agreed by the Secretary. Following expiry of this period, all coal is to be transported from the site via the Boggabri Rail Spur Line unless in exceptional circumstances as agreed with RMS, the Council and approved by the Secretary.	Compliant – transport of coal by road has ceased. The Rail Spur was operational throughout 2016.

3.4 Exploration

Exploration drilling was undertaken in 2016 by BCOPL for the purpose of determining coal quality and structure for modelling through the installation of infill drill holes. A total of 33 exploration holes were drilled by BCOPL during the reporting period as detailed in Table 3 4. All holes were completed for the purpose of exploration/coal quality testing. Figure 3 indicates the location of exploration drillholes during the 2016 calendar year. 32 drill holes have been sealed for mine plan progression. 1 hole BC2286 has been left open and will be used in the 2017 quality programme as a Geophysics test well.

Table 3-4 BCM Exploration Drilling

Hole	MGA Easting	MGA Northing	RL (m)	Total Depth (m)	Drill Start	Drill Finish	Purpose
BC2255	226767.7	6610793	302.19	123.6	9/05/2016	15/05/2016	Structure and Quality
BC2256	226689.5	6610877	305.01	119.81	15/05/2016	17/05/2016	Structure and Quality
BC2257	226803.9	6610947	302.98	125.38	18/05/2016	28/05/2016	Structure and Quality
BC2258	227048.9	6610906	299.84	120.46	28/05/2016	31/05/2016	Structure and Quality
BC2259	226810.7	6611080	306.54	126.62	1/06/2016	3/06/2016	Structure and Quality
BC2260	226928.6	6611113	304.45	126.46	10/06/2016	12/06/2016	Structure and Quality
BC2261	226970.7	6611194	305.56	129.35	12/06/2016	15/06/2016	Structure and Quality
BC2262	227051.8	6611096	303.02	126.3	16/06/2016	26/06/2016	Structure and Quality
BC2263	227201.8	6611317	305.69	132.39	27/06/2016	2/07/2016	Structure and Quality
BC2264	227180	6611104	301.32	117.6	2/07/2016	11/07/2016	Structure and Quality
BC2265	227283	6611196	302.61	117	11/07/2016	13/07/2016	Structure and Quality
BC2266	229102.7	6612092	346.2	168.44	14/07/2016	17/07/2016	Structure and Quality
BC2267	227553.8	6611528	305.96	114.4	17/07/2016	26/07/2016	Structure and Quality
BC2268	229215	6612241	370.95	198.49	26/07/2016	31/07/2016	Structure and Quality

Hole	MGA Easting	MGA Northing	RL (m)	Total Depth (m)	Drill Start	Drill Finish	Purpose
BC2269	227873.5	6611668	308.82	105.39	31/07/2016	2/08/2016	Structure and Quality
BC2270	227501.9	6611367	304.09	117.46	8/08/2016	10/08/2016	Structure and Quality
BC2271	227764.9	6611656	308.34	108.38	10/08/2016	12/08/2016	Structure and Quality
BC2272	227989.8	6611631	308.4	102.3	12/08/2016	13/08/2016	Structure and Quality
BC2273	228349.3	6611856	317.03	120.55	14/08/2016	15/08/2016	Structure and Quality
BC2274	228434	6611903	319.28	129.62	16/08/2016	29/08/2016	Structure and Quality
BC2275	227650.6	6611596	306.76	111.4	30/08/2016	31/08/2016	Structure and Quality
BC2276	228261.2	6611804	315.1	108.25	1/09/2016	6/09/2016	Structure and Quality
BC2277	228156.1	6611654	310.95	99.45	7/09/2016	8/09/2016	Structure and Quality
BC2278	229703.1	6611756	357.22	190.98	9/09/2016	29/09/2016	Structure and Quality
BC2279	229455.3	6611581	339.77	183.25	30/09/2016	4/10/2016	Structure and Quality
BC2280	229656.8	6611676	346.8	193.1	4/10/2016	8/10/2016	Structure and Quality
BC2281	229647.1	6611416	338.27	183.3	14/10/2016	19/10/2016	Structure and Quality
BC2282	227062	6610639	294.92	99.2	20/10/2016	21/10/2016	Structure and Quality
BC2283	227039.8	6610449	292.97	78.15	28/10/2016	29/10/2016	Structure and Quality
BC2284	226962.7	6610360	291.75	69.15	30/10/2016	31/10/2016	Structure and Quality
BC2285	226843	6610575	297.37	105.2	1/11/2016	2/11/2016	Structure and Quality
BC2286	226533.6	6610616	303.5	102	4/11/2016	4/11/2016	Structure Only
BC2287	226409	6610829	307	108	5/11/2016	6/11/2016	Structure Only

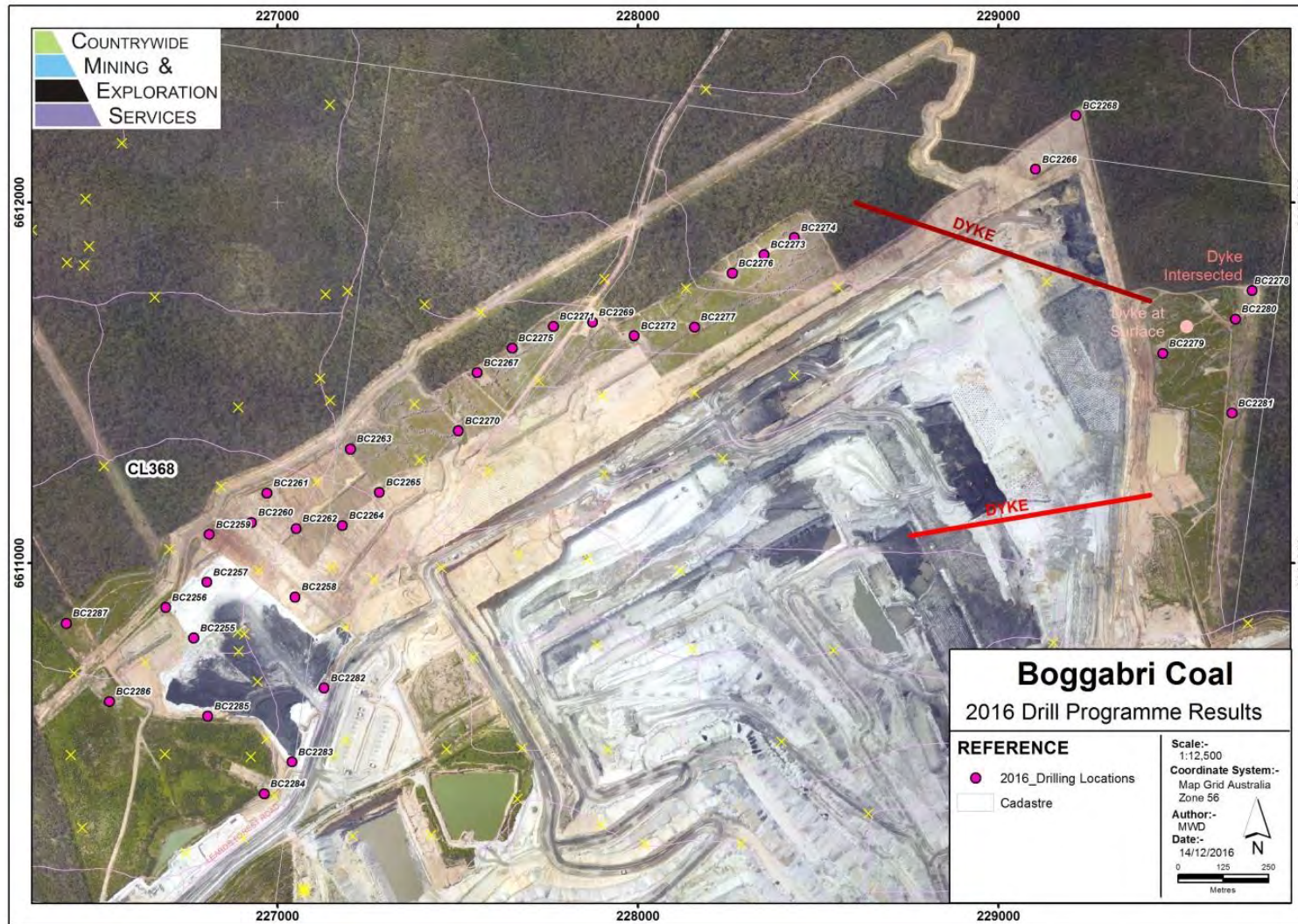


Figure 3-1 Extent of 2016 Exploration Drilling



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Project Approval Condition No. and Description	Compliance Response
11A. The Proponent shall not process any coal from the Tarrawonga coal mine unless it has demonstrated that adequate water license are held to account for the required water use associated with processing this coal, to the satisfaction of the Secretary.	Compliant – no coal was processed for Tarrawonga Coal Mine in 2017
12. The Proponent may transport up to 10 million tonnes of product coal via the Boggabri Rail Spur Line in any calendar year; comprising: (a) 8.6 million tonnes of product coal from the Boggabri coal mine in any calendar year; and (b) 3 million tonnes of product coal from the Tarrawonga coal mine in any calendar year.	Compliant – 6.9 Mt of product coal from the Boggabri coal mine was transported in 2017. No coal from the Tarrawonga coal mine was transported in 2017.
13. The Proponent may only transport coal from the site by road for 22 months following the date of this approval, or for such additional period as may result from delays in construction of the Boggabri Rail Spur Line as agreed by the Secretary. Following expiry of this period, all coal is to be transported from the site via the Boggabri Rail Spur Line unless in exceptional circumstances as agreed with RMS, the Council and approved by the Secretary.	Compliant – transport of coal by road was ceased following completion of the Boggabri Rail Spur Line. The Boggabri Rail Spur Line was operational throughout 2017.

3.4 Exploration

Exploration drilling was undertaken in 2017 by BCOPL, for the purpose of determining coal quality and structure for modelling through the installation of infill drill holes.

A total of 47 exploration holes were drilled by BCOPL during the reporting period, as detailed in Table 3-4. All holes were completed for the purpose of structure and coal quality testing and greenhouse gas emission estimates. Figure 3-1 indicates the location of the boreholes drilled during the 2017 calendar year.

Nineteen boreholes have been sealed and the balance have been left open to be used for geophysical testing in advance of mining.

Table 3-4 BCM Exploration Drilling

Hole	MGA Easting	MGA Northing	RL (m)	Total Depth (m)	Drill Start	Drill Finish	Purpose
BC2288	229849.81	6610961.97	351.78	175	5/06/2017	6/06/2017	Structure
BC2289	229777.95	6611754.51	358.6	211	7/06/2017	8/06/2017	Structure
BC2290	229768.33	6611709.51	353.46	205	8/06/2017	9/06/2017	Structure
BC2291	228825.44	6612394.15	338.69	169	9/06/2017	10/06/2017	Structure
BC2292	228630.42	6612290.52	330.91	163	10/06/2017	11/06/2017	Structure
BC2293	228502.95	6612196.93	326.44	151	11/06/2017	11/06/2017	Structure
BC2294	228329.31	6612108.5	325.49	151	11/06/2017	12/06/2017	Structure
BC2295	228575.67	6612064.77	324.1	140	12/06/2017	13/06/2017	Structure
BC2296	228620.76	6612199.26	329.15	151	12/06/2017	13/06/2017	Structure
BC2297	229645.68	6611732.12	354.24	205	20/06/2017	20/06/2017	Structure
BC2298	229690.87	6611713.69	350.7	199	21/06/2017	21/06/2017	Structure
BC2299	229746.7	6610865.67	341.62	163	22/06/2017	22/06/2017	Structure
BC2300	229905.32	6610892.74	349.2	169	22/06/2017	23/06/2017	Structure

Hole	MGA Easting	MGA Northing	RL (m)	Total Depth (m)	Drill Start	Drill Finish	Purpose
BC2301	229650.46	6611779.08	360.73	217	23/06/2017	24/06/2017	Structure
BC2302	228757.47	6612161.9	339.79	163	25/06/2017	25/06/2017	Structure
BC2303	229058.27	6612228.41	364.55	187	26/06/2017	27/06/2017	Structure
BC2304	228963.16	6612397.57	344.16	169	27/06/2017	4/07/2017	Structure
BC2305	229219.3	6612313.58	367.93	199	4/07/2017	5/07/2017	Structure
BC2306	229133.89	6612481.77	352.99	181	5/07/2017	6/07/2017	Structure
BC2307	229096.4	6612358.89	352.75	181	6/07/2017	7/07/2017	Structure
BC2308	228891.22	6612129.78	345.11	163	7/07/2017	7/07/2017	Structure
BC2309	228929.95	6612264.88	345.74	169	8/07/2017	8/07/2017	Structure
BC2310	228719.3	6612023.77	328.18	148	9/07/2017	9/07/2017	Structure
BC2311	228793.89	6612296.24	337.07	163	10/07/2017	10/07/2017	Structure
BC2312	226092.27	6611910.63	340.57	256	11/07/2017	12/07/2017	Coal Quality
BC2313	229749.3	6610962.1	344.71	165.22	21/07/2017	26/07/2017	Coal Quality
BC2314	229751.9	6611361.15	343.15	183.1	27/07/2017	5/08/2017	Coal Quality
BC2315	229759.16	6611663.03	353.91	201.1	5/08/2017	10/08/2017	Coal Quality
BC2316	226447.12	6611408.11	318.66	132.16	10/08/2017	19/08/2017	Gas
BC2317	228630.47	6611978.06	322.48	135.16	20/08/2017	24/08/2017	Coal Quality
BC2318	228073	6611968.37	315.39	171.42	25/08/2017	27/08/2017	Gas
BC2319	229847.19	6610859.98	344.21	162.11	6/09/2017	11/09/2017	Coal Quality
BC2320	228781.94	6612375.29	336.62	246	3/08/2017	6/08/2017	Coal Quality
BC2321	227091.49	6611286.92	306.78	337	16/08/2017	18/08/2017	Coal Quality
BC2322	227721.43	6611768.78	310.49	313	14/07/2017	11/08/2017	Coal Quality
BC2323	229833.2	6611070.53	355.78	183.11	11/09/2017	22/09/2017	Coal Quality
BC2324	229749.6	6611160.99	344.33	171.16	23/09/2017	2/10/2017	Coal Quality
BC2325	229766.8	6611542.59	347.89	195.01	3/10/2017	8/10/2017	Coal Quality
BC2326	228232.23	6611932.98	317.89	129.12	9/10/2017	17/10/2017	Coal Quality
BC2327	228803	6612074	337.1	153.28	17/10/2017	23/10/2017	Coal Quality
BC2328	228100.68	6611847.86	312.91	112.67	24/10/2017	26/10/2017	Coal Quality
BC2329	227936.52	6611891.72	313.72	114.06	1/11/2017	3/11/2017	Coal Quality
BC2330	229851.2	6611261.12	351.7	180.33	4/11/2017	9/11/2017	Coal Quality
BC2331	229853.41	6611461.3	352.64	192.11	9/11/2017	24/11/2017	Coal Quality
BC2332	229155.48	6612269.5	367.02	189.16	26/11/2017	29/11/2017	Coal Quality
BC2333	228406.88	6612158.81	326.39	155.93	5/12/2017	9/12/2017	Coal Quality
BC2334	228973.53	6612182.01	351.57	168.17	9/12/2017	15/12/2017	Coal Quality



Figure 3-1 Extent of 2017 Exploration Drilling

Community comments

Southern Rehabilitation Strategy, Boggabri Coal Mine



Black Shouldered Kite (above) and

Male Red Winged Parrot (left) from the Leard Forest

Compiled by Boggabri Coal Community Consultative Committee members
Dr Kerri Clarke, Anna Christie, Roselyn Druce
Pics: Ros Druce

MARCH 2018

1.Introduction

The community has been invited to comment on the September 2017 report of the Southern Rehabilitation Strategy for the Boggabri Coal mine via the Boggabri Coal Community Consultative Committee.

The original conditions of approval for Boggabri Coal mine required Idemitsu to establish a baseline understanding of the biodiversity values being impacted and success of the rehabilitation works undertaken at Boggabri Coal to:

- *“Test predictions about impacts, detect unforeseen impacts and assess effectiveness of mitigation measures*
- *Increase acceptance and reduce unwarranted criticism of the impacts of the project”*

As the environmental representative, local residents, and concerned citizens we believe that approval for clearing the Leard State Forest should not have been given. Leard State Forest was formerly recognised as a Tier 1 forest with high value and areas of vegetation that were irreplaceable. Feedback provided here does not mean that clearing of the Leard State Forest and culturally sacred sites is condoned. However, we would like to ensure that the mine site and offsets are rehabilitated as set out in the conditions of consent, rehabilitation plan, and biodiversity offset strategy, or better.

During our visit of selected areas of rehabilitation we observed a genuine attempts underway to rehabilitate the mined areas of the previous forest. The absence of reptiles and an alarming lack of bird species reported from the rehabilitated areas has raised concerns within the community and are discussed in more detail as part of our response. Some recommendations have been provided and some questions generated when information may be lacking or unclear. Restoring habitat and biodiversity to the heavily mined Leard Forest Precinct is paramount for all flora and fauna, especially those species that are listed as threatened.

2.The 500m Biodiversity Corridor

The 500m Biodiversity Corridor established under the conditions of approval for both Boggabri and Maules Creek mines, is the cornerstone of the strategy which aims to secure the East-West connectivity of habitat for the survival of fauna seeking refuge with loss of habitat during clearing. While the biodiversity corridor does not form part of the southern rehabilitation zone, in the report the corridor indispensable for the overall success of the Biodiversity Strategy. The health of the 500m Biodiversity Corridor is essential for connecting habitat and as such should be included in the Southern Rehabilitation Strategy.

RECOMMENDATION: We recommend that future updates such as the Southern Rehabilitation Strategy Report be broadened to include an assessment of the condition of the Biodiversity Corridor, including an assessment of species of flora and fauna.

RECOMMENDED ACTION: In discussions with Messrs Dan Yates, Alex Cockrill, community members requested an opportunity to inspect the Biodiversity Corridor. There was informal agreement, with August 2018 considered a possibility. Further discussion to set a date for 2018 is requested.

Pic: Biodiversity Corridor viewed from North, January 2018



Pic: Biodiversity Corridor viewed from South, January 2018



3. Trigger Action Response Protocols (TARP's) for rehabilitation outcomes

We would like the **Trigger Action Response Protocols (TARP's) for Rehabilitation outcomes** to be included in biodiversity reports to provide a performance measurement of rehabilitation to aid community understanding and interpretation.

4.Species richness - Exotics and pest species

We draw attention to the Vegetation Characteristics, at pp.14ff Par 3.2.
“Exotics and pest species”.

134 species were recorded in rehabilitation monitoring sites – **36 exotic species**
132 species recorded in Leard State Forest analogue sites – **12 exotic species**

Q: Why are there higher numbers exotic species recorded in rehabilitation monitoring sites?

Q: How did exotic plants get into rehabilitation sites?

For example, were they transported by contractors’ machinery, not being washed down before coming onto site? or from areas where topsoil/seed bank soil would have been transported by contractors and stored until relocated?

Q. How is Idemitsu dealing with exotic introductions?

RECOMMENDATION: Can WSP Parsons Brinckerhoff look at the original plant/weed species lists and ascertain:

(1) if there are any different/new exotics that have arrived onsite that were not previously recorded, and

(2) if they will be a threat to the rest of the area and likely to spread back into the untouched LSF area or to other surrounding farmlands or the Leard State Conservation Area.

It should be noted that the Boggabri rehabilitation strategy “will focus on biodiversity and establishment of habitat for threatened species”. (p.6, Southern Rehabilitation Strategy report). Therefore, connectivity with the Maules creek mine is an unavoidable feature of habitat rehabilitation of the Leard Forest. This connectivity poses advantages for survival of the native habitat, but also enables the spread of exotic species.

RECOMMENDATION: Can Idemitsu provide comparisons between the species count and proportion of exotics reported by Maules Creek coal mine. Some Questions include:

Q. What is the comparison of species reported by Boggabri and Maules Creek mines in analogue sites?

Q. What is the comparison of exotics reported in analogue sites?

Polycarpon tetraphyllum is referred to in the Southern Rehabilitation Report, and as you can see in this link to Plantnet, (<http://plantnet.rbgsyd.nsw.gov.au/cgi-bin/NSWfl.pl?page=nswfl&lvl=sp&name=Polycarpon~tetraphyllum>) the Exotic species

Polycarpon tetraphyllum is a native of Europe, which makes it an exotic. However, in Appendix A (A-4) it is described as a native at two monitoring sites.

RECOMMENDATION: Can WSP Parsons Brinckerhoff please provide clarification on *Polycarpon tetraphyllum*.

5. Species richness - Reptiles

Why is there no report of reptile monitoring included in the Southern Rehabilitation Strategy and no explanation? No records of lizards, geckos, snakes, etc is a substantial gap in the Report.

Here are some pictures of reptiles of Leard Forest reptiles taken between 2014 and the present, by Roselyn Druce one of the authors of this commentary.

RECOMMENDATION: We request that WSP Parsons Brinckerhoff identify the reptile species concerned and add them to the Species Richness survey.



Pics: Ros Druce

6. Bird surveys

The statement in the report of bird surveys on p.17 of the Southern Rehabilitation report is alarming:

“...a low diversity of threatened woodland birds have been recorded [in rehabilitated areas].”

Previous Boggabri Coal bird surveys of the Leard State Forest and rehabilitation areas reported 129 species of birds within the Project Boundary (Chase Dingle Report). Why is there such a disparity between bird counts by community surveys in 2014-2016, the Chase Dingle surveys, and those of the Southern Rehabilitation report?

In *Birds of the Leard State Forest and Leard State Conservation Area* (Nov 2014), a community bird survey:

“Since the date of publication of the Chase Dingle document, one of the 4 monitoring locations is believed to have been subsumed by the Boggabri Coal mine, but it not known how the monitoring program has been modified to adapt to this change.”

The report goes on to state that the low diversity of bird species:

“...is likely due to a current deficiency in the structural complexity of available habitat.”

The only threatened woodland bird to have been recorded is the Speckled Warbler, with the absence of the Brown Treecreeper which was often found in all other areas surveyed in the Leard State Forest and the Leard State Conservation Area is notable.



Pic: Brown Treecreeper, courtesy Michael Dahlem

Other NSW Threatened Species previously recorded in the Leard Forest by the community bird surveys, organised between 2014-2016 by one of the authors of this Commentary, Anna Christie, include:

- Little Eagle
- Little Lorikeet
- Turquoise Parrot
- Speckled Warbler
- Painted Honeyeater
- Grey Crowned Babbler
- Dusky Woodswallow

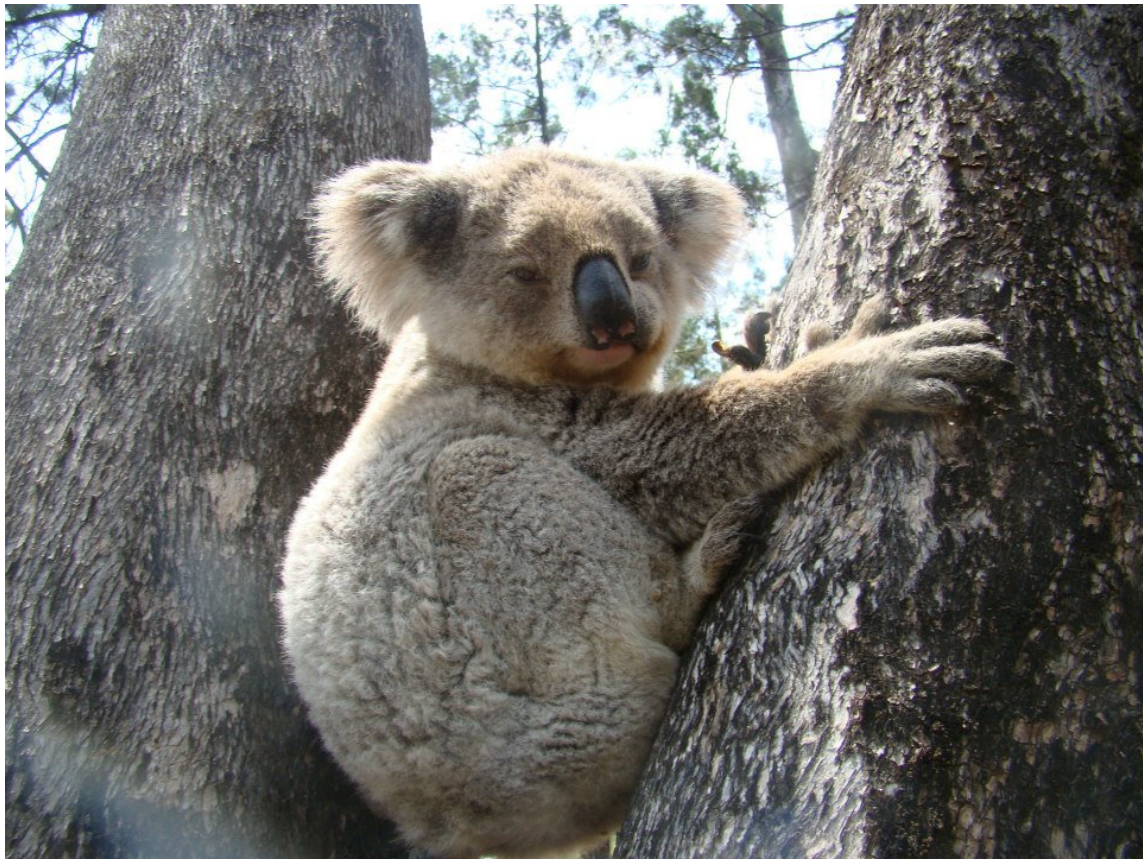
The absence of all except the Speckled Warbler in the analogue sites poses serious questions about the health of the remaining Leard Forest which has not been “disturbed”, to use the terminology of mining approvals.

RECOMMENDATION: We recommend that species richness reporting must include the survey effort including the survey time, number of participants and size of the monitoring site. Species number per monitoring site alone is not sufficiently informative or a useful measure.

Q. What is the TARP for bird species loss?

Q. What will be done to rectify the identified low diversity of bird species in the analogue sites?

7.Koala



Pic: Leard Forest Koala, Tania Marshall (2014)

Koalas are an iconic threatened species which were present in the Leard State Forest prior to coal mining and their confirmed presence in community surveys since mining commenced. Images of scats were taken in 2016 at Goonbri Creek, an ephemeral creek with White Box and Pilliga Box koala habitat trees.



Images: Wando Conservation and Cultural Centre



Since then, koala scats were also detected, and barking of koalas heard, further to the North West at Maules Creek in a River Red Gum area².

In 2017, Idemitsu has received Board level approval to commence first steps towards a Koala Recovery Strategy which would incorporate Boggabri Coal's offset areas (comprising 10,000Ha approximately), rehabilitation areas, presumably the Biodiversity Corridor and other public and private lands in accordance with the consent and cooperation of the relevant land owners. This should commence with Koala habitat assessments of known areas where the favourite trees are found and previous sightings and observations have been recorded most recently. Community members are to advance this initiative via the Boggabri Coal Community Consultative Committee during 2018, starting with a summary of known koala observations.

Over the past years there has been disagreement whether the Leard Forest koala population is transitory or not, with some experts arguing that the Leard Forest is an important habitat and that the Leard koalas, with their distinctive brown colouring, may represent a unique population. We believe that assessment of the Koala population in the Leard State Forest was inadequate and misrepresented. The problem of assessing low density koala populations has been addressed by ecologist David Paull in his publication, **A precautionary approach for the assessment of 'low density' koala populations using a rapid and indirect survey methodology** David C. Paull, (Feb. 2014) p. 3:

*"While 'indirect' methods for the detection of koalas are frequently used by ecological consultants due to their cost-effectiveness and their ability to yield useful information on the presence and distribution of koalas, the interpretation of this data (Woosnam-Merchez *et al.* 2012) and the usefulness of such techniques for low density populations (DERM 2012) has serious limitations. This is compounded in instances where there are very few records of koalas in government databases for particular locations which is *often used as a priori evidence of low koala utility when in many instances is an artefact of a lack of previous investigation.*"[Emphasis added]*

RECOMMENDATION:

The priority should now be to conduct field studies of the three priority areas where koalas have been observed and assess the connectivity between these areas.

RECOMMENDATION:

Rehabilitation plans and plantings for mined land and when restoring Critically Endangered Ecological Communities (CEEC), must consider inclusion of trees favoured by koalas for food and shelter (e.g. White Box, Pilliga Box and River Red Gum).

Q. We would like the authors of the Southern Rehabilitation Strategy to estimate when, in the rehabilitation timeline, suitable habitat may be available for koalas, either for shelter or food, in rehabilitated areas or offset areas being restored from grassland to woodland form of the Critically Endangered Grassy White Box Woodland?

² As reported by local residents who also found koala scats under trees.

8.Future Mining

Likely future impacts to the connectivity and future integrity of the rehabilitated landscape, if this goal is ever achieved, depend on a long range vision of the future landscape in which all known or envisaged mining is included. That means any areas where resources exploration licences exist must be included in protecting connectivity for wildlife.

We have spoken, above, of the need to protect the 500m Biodiversity Corridor. However, another important threat to the rehabilitation of the Leard Forest is the underground mining to the immediate east of current operations.

The proposed future underground mine at the Goonbri Exploration Area, to the east of present day mining operations, coincides with a known koala hot-spot. Provision must be made in all planning activities to ensure that future subsidence does not occur, to avoid the loss of trees and habitat.

Loss of the above-ground habitat could occur through subsidence, a common effect of longwall mining which is observed throughout many areas of NSW.

We also request that Boggabri Coal make a commitment to avoid the damaging and polluting surface-to-seam degassing of the coal seams in favour of in-seam methods, which will avoid further clearing and fragmentation of the Forest as can be observed at the Narrabri Underground mine, Pilliga East Forest. These pictures illustrate what must not happen at Goonbri Creek, or any other areas of the Leard Forest. We would like an assurance that if underground mining were to occur that these practices illustrated below would not be adopted.



RECOMMENDATION:

Goonbri Creek habitat area must be carefully and faithfully preserved, and protected from future mining impacts be considered in the rehabilitation plan for the disturbed area and offsets.

9. Traditional indigenous knowledge

At the November 2017 meeting, the Boggabri Coal CCC Mitchum Neave (Aboriginal CCC representative) requested that the Southern Rehabilitation Strategy be widened to include plants of indigenous medicinal or cultural importance. Gomeroi elders Uncle Neville and Uncle Cyril Samson were consulted, and under their guidance a list has been compiled of plants used traditionally for medicinal and cultural practices, or as food. The addition of medicinal and cultural plants (in addition to Mistletoe referred to in the report) would enhance the Southern Rehabilitation Strategy.

Unfortunately, there are some concerns by the Elders of the Gomeroi Traditional Custodians about sharing their knowledge due to a legacy of unresolved dispute between the Gomeroi custodians of the Leard State Forest and Boggabri Coal Mine. As a result, there is a delay in providing a 'bush tucker' plant list.

We hope that the matter will be resolved to the satisfaction of the parties, especially the Gomeroi Elders, as soon as possible.

10. Conclusion

If Idemitsu truly has aspirations to restore the Critically Endangered Grassy Whitebox Woodland and indeed the Leard Forest, this is a bold ambition that calls for **imagination, resources, knowledge and on-the-ground presence**.

The backbone of the biodiversity strategy is the 500m Biodiversity Corridor. We call on Idemitsu to commit to no further approval creep that would involve mining the Corridor.

The community has identified gaps in the current reporting of the Southern Rehabilitation Strategy and also points out that, in isolation, the SRS does not ensure the necessary outcomes of the Biodiversity Management Plan. The Southern Rehabilitation Area's success will be measured by its ability to provide habitat for the species of the Leard Forest.

We believe the community's feedback will benefit this goal.

Prepared by:

**Ros Druce
Anna Christie
Dr Kerri Clarke**

March 2018



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Environmental Representatives Dr Kerri Clark and Anna Christie attended an inspection of the Boggabri Coal offset and rehabilitation areas in 2016 with a group of university students. This was followed up by a visit by the Community Consultative Committee to the rehab areas in 2017.





Wando Conservation and Cultural Centre Inc.
1212 Black Mountain Creek Road NSW 2382
E: wandoccc@gmail.com ABN 66 884 936 813

29 October 2018

via email : Carolyn.McNally@planning.nsw.gov.au
cc Stephen.ODonoghue@planning.nsw.gov.au

Dear Secretary,

Boggabri Coal Mine: Modification 7

Request that the Secretary decline to determine the application under former s 75W as the Proponent has provided inadequate information

The proponent has submitted an application to modify the existing NSW Approval for the Boggabri Coal Mine (PA 09-0182) known as **Boggabri Coal Mine: Modification 7**.

We write in relation to Boggabri Coal Mine Modification 7.

Based on the information we currently have we are assuming that the modification application is currently being treated as a Part 3A 75W modification. **Is this correct?**

If so, under the transitional regulation, it is the community's understanding that because the application has not been dealt with by 1 September 2018, 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 to deal with the request and if the Secretary notifies the applicant that the request will not be dealt with under section 75W (*Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (NSW) Sch 2 Cl 3BA).

Accordingly, we request that additional information be requested by the Secretary, before the Application can be considered complete and that a thorough assessment be undertaken of this Modification 7 pursuant to s 4.55(2) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

This is on the basis of our reading of the Environmental Assessment document (**EA**) and our knowledge of the complexity of the situation and its implications to cumulative impacts on biodiversity. As discussed below, we think it is clear that you do not have sufficient information to determine the application.

Based on our reading of the EA, we think that you need additional information in relation to the following matters:

(a) Offsets:

- a) What is the nature of the mechanisms proposed for securing the required offsets?
- b) Why is an extension of time required for registering the offsets? We note that the original time in the conditions is December 2014 and the new proposed time is December 2019. We have not identified any evidence that the December 2014 time limit has been formally extended. Further, Condition 47(a) of schedule 3 of the conditions of approval, as extracted at p 23 of the EA, requires the Proponent to register the conservation agreements 'by December 2014 unless agreed otherwise by the Secretary after consultation with Chief Executive of OEH'.

We 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.

We 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)').

We bring it to your attention as we can't see the sense to reversing the 'Long term security offset' condition which contained more specificity around what was required of the Proponent to requiring less specificity. The community does not want to see this

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

(b) Drilling and exploration activities:

- a) The Secretary requires further details in relation to the location, intensity and volume of proposed drilling and exploration activities, including the nature of the vegetation that will or may be cleared.
- b) Will any additional offsets be required due to additional clearing?

(c) Transport of coal samples by road:

- a) How frequently does the Proponent need to transport coal by road? The current proposed condition does not contain any limit on the frequency of the proposed transportation by road.
- b) Where does such coal need to be transported to?
For what marketing, testing or other purpose does or might the Proponent require a sample size of 60 tonnes? This is a very substantial 'sample' size and further explanation should be provided.

Based on the above, it is our view that the modification application should be dealt with under s 4.55 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).

We note that the community values the benefits that would flow from this, including the Minister's requirement to consider the matters listed in s 4.15 (formerly s 79C), noting that no such list of mandatory considerations applies to s 75W modifications.

We specifically think that the application should be dealt with under s 4.55(2) of the EP&A Act and public notification of the modification should follow.

Additional concerns about the modification application

We note that Tarrawonga Community Consultative Committee does not have an environmental representative which means there is insufficient oversight of biodiversity matters.

Many from the community, both individuals and groups have expressed their concern about this Modification Application. Concerns include the timing, the lack of public process and the fact that the outcomes of this modification are extensive for the local environment and community and the proponent.

The East-West Biodiversity Corridor is required to be preserved under the Commonwealth EPBC Act approval. It is the cornerstone of the biodiversity protection for CEEC that is intended by the Commonwealth approval. In the interests of the Precautionary Principle, this corridor of Critically Endangered White Box Grassy Woodland must be preserved. There is no possibility that it can be replaced with existing like-for-like woodland, however fragmented.

There has been some talk of creating a new alternative East-West corridor to the south of the existing one, connecting with Tarrawonga rehabilitated area.

Two things should be noted about the quality of the Boggabri-Tarrawonga rehabilitation areas to replace the existing Biodiversity Corridor:

1. The species recovery rate at the Southern Rehabilitation Area of Boggabri Coal as observed by the CCC Environmental Representatives in their comments on the Southern Rehabilitation Strategy report (see attached), is unsatisfactory, particularly the bird species. Reptiles were not considered at all in this Report, even though they are an important part of the biodiversity at Leard Forest. Notwithstanding this, community members have viewed the Boggabri rehab areas, and heard the pluses and minuses of the progress there.
2. Community members have never had the opportunity to view the Tarrawonga offsets but the scene from the air is extremely discouraging, as the Tarrawonga offsets seem many decades away from supporting species variety such as the CEEC.

Any changes to this scenario should not be considered as a minor environmental impact or administrative modification.

The proposed amendments are neither 'administrative' nor 'minor'

There is an overwhelming view in the community that the benefits of having a public assessment process are being unnecessarily lost.

In conversation with officers of the DPE, it appears that the Department is characterizing the modification application as 'minor'.

However, 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 non-transparent DPE decision. The application should be publicly notified and, as discussed above, should be assessed under s 4.55 of the *Environmental Planning and Assessment Act 1979* (NSW) to ensure greater public participation and transparency in decision making.

The Community urges the DPE Secretary to require the additional information we have referred to in this letter before the application is treated as being complete and ready for assessment.

Yours sincerely

Liz O'Hara
Secretary
Wando Conservation and Cultural Centre