

BOGGABRI COAL  
OPERATIONS  
PTY LTD

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Ref: 05-115-716

18 April 2019

Secretariat  
Independent Planning Commission NSW  
Level 3  
201 Elizabeth Street  
Sydney NSW 2000  
Attn: Ms Naomi Moss

Dear Naomi,

**RE SECTION 75W MODIFICATION 09\_0182 MOD 7 TO BOGGABRI COAL MINE - RESPONSE TO ADDITIONAL INFORMATION REQUESTS FROM IPC**

This response is being provided in response to the Independent Planning Commission's (IPC) request for further information in relation to (09\_0182 Mod 7) (**the Modification Application**) lodged on 28 February 2018 by Boggabri Coal Operations Pty Ltd (**Boggabri Coal**).

The Modification Application comprises five proposed amendments to the current project approval (09\_0182) as modified (**Project Approval**). The proposed amendments:

- provide consistency and clarify the conditions of the Project Approval to bring it into line with current law and operational requirements;
- have no additional environmental impacts; and
- will allow us to deliver on our environmental commitments in a clear, transparent and unambiguous manner.

We understand the IPC is seeking clarification in relation to the following matters in respect of biodiversity offset areas (**BOAs**):

1. the history of the offsets and the delay;
2. what still needs to be done to secure the offsets;
3. why there needs to be an extension from Dec 2019 to February 2020; and
4. details of the offsets to replace the originally proposed TSR land.

Boggabri Coal provides a response to each of these matters below. Further details are included in the enclosed memo that Mr Cockerill from WSP has prepared.

**1. History of the Offsets**

A detailed history concerning the proposed BOAs and reasons for the delays is set out in the WSP memo. A staged process has been used to identify suitable BOAs and in the preparation of the Leard Forest Mining Precinct Regional Biodiversity Strategy (**Regional Strategy**). Most of the delays have been caused by factors outside Boggabri Coal's control including:

- significant delays to the various stages of the Regional Strategy which critically informs the requirements of Boggabri Coal's biodiversity offset strategy (**BOS**) and biodiversity management plan (**BMP**);

- delays to and changes to the offset area for possible inclusion in the National Parks and Wildlife Services (**NPWS**) reserve estate;
- significant delays in obtaining confirmation from Crown Lands as to the areas suitable for acquisition; and
- substantial changes to the biodiversity conservation legislation in NSW and corresponding conservation mechanisms available to secure the BOAs in perpetuity.

Throughout this process Boggabri Coal has always provided ongoing and regular consultation with the relevant regulatory authorities (Department of Planning and Environment (**DPE**), Office of Environment and Heritage, Department of Planning and Infrastructure Lands (**DP&I-Lands**) and Namoi Catchment Management Authority (now North West Local Land Services) on the status and timing of the review of the BOS, BMP and long term security of the BOAs.

The Project Approval has also been the subject of three modifications which have resulted in minor changes to the proposed BOAs necessitating revisions to the BOS and BMP to accommodate these changes. This is explained in detail in the WSP memo.

## 2. Current status of the Offset Strategy

A revised BOS Rev E was approved by DPE in September 2017. A BOS Rev F was submitted in November 2018 and we are still waiting approval of the BOS. A revised Biodiversity Management Plan (**BMP**) reflecting the changes in the BOS was submitted to the Department of Environment and Energy (**DOEE**) in December 2018.

BCOPL has secured all of the relevant BOAs. The following outstanding items remain, with the **bolded** items subject to Modification 7 approval:

- obtain approval from DPE for the revised BOS and BMP;
- **obtain sign-off for the preferred conservation mechanism for each BOA;**
- **finalise consultation with NPWS on the potential dedication of the Merridendi BOA to NPWS which adjoins the Leard State Conservation Area;**
- **finalise and execute proposed conservation agreements under the new BC Act; or**
- **carry out necessary field surveys and assessment requirements in accordance with the Biodiversity Assessment Methodology and finalise and execute a biodiversity stewardship agreement; and**
- **register the agreement on title.**

## 3. Extension from December 2019 to February 2020

The extension of time sought is to:

1. ensure that the due date in the Project Approval is consistent with the due date to secure the offsets in perpetuity specified in the *Environment Protection and Biodiversity Conservation Act 1999* approval (2009/5256) which is 11 February 2020; and
2. give sufficient time for Boggabri Coal to obtain the relevant government approvals and complete the matters referred to in section 2 above.

## 4. Detail Offsets to Replace Original TSR Land

Under condition 43, schedule 3 of the Project Approval, Boggabri Coal are required to incorporate a number of parcels of Crown Reserve land within and/or adjoining the Namoi BOA. Boggabri Coal was able to purchase a number of parcels from DP&I-Lands but identified a shortfall of approximately 298.9 ha because that land is required for travelling stock or current or future public uses. In order to meet the timing commitments in the Project Approval, the revised BOS has identified 298.9 ha of substitute areas within the Namoi, Jerralong and Goonbri biodiversity offset areas that has been include in the revised BOS RevF that is currently awaiting approval from DPE. The substitute offset areas will provide an equivalent increase in biodiversity.

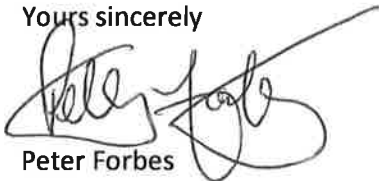
## **Conclusion**

Despite the delays to finalising the long term conservation security mechanisms (the majority of which were beyond Boggabri Coal's control), we have nevertheless acquired all of the required BOAs and have been actively managing these areas for conservation in accordance with the BMP. This has resulted in significant restoration activities and biodiversity gains over large portions of the BOAs.

Our excellent track record in biodiversity conservation within the proposed BOAs has been repeatedly acknowledged by independent audits of the BOAs since 2012.

We respectfully request that the IPC have regard to the above submission in determining the Modification Application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Forbes', with a long, sweeping horizontal line extending to the right.

Peter Forbes  
**Health Safety and Environment Manager**

