

The Secretary,  
Dept of Planning and Environment  
Email: [carolyn.mcenally@planning.nsw.gov.au](mailto:carolyn.mcenally@planning.nsw.gov.au)

Dear Secretary,

**Boggabri Coal Project Mod 7**

I am writing to express my objection to any changes to the Boggabri Coal Mine approval that involves watering down the approval conditions, and that includes any new decisions concerning biodiversity offsets that rely on the discretion of the Secretary alone.

I have been informed that there is a proposal afoot to change the wording relating to the compliance of Boggabri Coal, so that conservation agreements are delayed further if the Secretary find is "acceptable".

I object to this change in the Approval Condition 47(a) of the Boggabri Mine approval.

Anything that concentrates more power in the Secretary of Planning to change the Project Approval is not administrative to me, it is of material significance.

[REDACTED] diminished due to the coal mines, to a very large degree due to your discretion which seems to be "satisfied" with all manner of pollution, and never finds fault even when to the community it is very evident that the mines exceed the standards expected by the community in relation to noise pollution ( including night-time noise disturbance) blasting impacts, feral animal control, dust pollution, and light pollution.

As a result of this lack of confidence in the office of the Secretary of the Department of Planning, I object to any further decision-making being subject solely to "Secretary's satisfaction", "acceptable to the Secretary" or any such wording.

We have no information and no guidance about what the Secretary might find "acceptable", and therefore this is not a good basis for regulating a coal mine.

-Why are there delays in securing binding agreements for the long-term conservation of the biodiversity offsets, which were supposed to be in place in 2019 but are now being put off indefinitely if the Secretary finds it acceptable?

-Why do you seek to take away the time-limit and not substitute it with another time-limit for compliance?

-We don't know what these legal obligations are that would substitute for the 2019 time-limit, and no one has bothered to inform us, even through the Community Consultative Committee, which I understand is struggling to make sense of this proposed modification.

We don't have answers to any of these questions.

I also object to this modification because it would create a very bad precedent for Whitehaven Coal to follow. Now, there you have a problem of huge proportions for this community.

Allowing Whitehaven to postpone its offset obligations when it already had to receive an extension to buy its Commonwealth offsets has already happened, and they don't need any more extensions.

We do not believe that "a form of binding agreement acceptable to the Secretary" is a sufficient standard of scrutiny for biodiversity matters, including Biodiversity Offsets.

We now have a great deal of experience from other mine approvals in the Boggabri area, of conditions which have the standard of the "Secretary's satisfaction". What is "acceptable" to you in most instances to date has not accorded with public opinion.

I understand that this Modification can be referred to the Independent Planning Commission where we, the public, can find out some facts about what is really causing years of delays in the mines complying with their deadlines. This matter needs to go before the Commission as it is not, in truth, an administrative change as it transfers a deadline into an unaccountable new condition of what is "acceptable to the Secretary".

