

[REDACTED]

The Secretary,
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Secretary,

Re: Boggabri Coal Project
Project Application Number: 09_0182 Mod 7

Please find enclosed a submission by [REDACTED]
regarding the Environmental Assessment by Boggabri Coal prepared as part of the above
mentioned Project Application.

The Environmental Assessment involves a range of changes of the existing mining approval
for the Boggabri coal mine which will have a cumulative impact on the already coal mine
impacted district of Boggabri and Maules Creek.

[REDACTED] is strongly of the view that this modification project
should;

1. have the exhibition period extended for a further 28 days
2. be referred to the Independent Planning Commission (IPC) if necessary and
3. that updated conditions be applied to the Boggabri Coal mine to reverse the burden of
proof for the conditions that require the provision of compensatory water supplies.

Yours sincerely
[REDACTED]

Boggabri Coal - Mod 7

Project Application Number: 09_0182 Mod 7

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Submission

The community has become aware of a very worrying development. The Department of Planning and Boggabri Coal are attempting to rush through a modification with scant regard to due process.

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. The modification seeks to modify the Biodiversity offset long term security arrangements.

“The objective of this proposed modification is to contemporise the range of offset security mechanisms available to be applied to the currently agreed and approved offset strategy.”¹

This is one of a number of so called minor modifications that have been determined by the Department to be of little or no interest to local people.

The Department of Planning makes the decision not to inform local people and then makes the decision itself.

This is a clear conflict of interest and is no more obvious than when the Department makes a mistake such as the Maules Creek groundwater debacle and then approves a administrative modification to keep the mining company Water Management Plan secret.

Among the modifications that have had little to no scrutiny have been;

- The administrative change to allow Tarrawonga coal mine to remove its sound power requirements
- The modification for Maules Creek coal to no longer require its workforce to travel on buses to the site
- The modification to allow Boggabri coal to develop a borefield which has de-watered a large area of farmland
- The withdrawn modification to allow the Maules Creek coal mine to remove its sound power requirements
- The administrative change to allow Maules Creek coal not to publish its Water Management Plan

Together these changes have or will cumulatively impact the district, increasing noise and traffic, reducing water availability and relentlessly changing district from a quite agricultural region to a noisy industrial landscape.

Recommendations

These modification proposals must be exhibited for a further 28 days so that all stakeholders can assess their impacts and if necessary the IPC make the determination.

1 Umwelt, Boggabri Mine Approval 09_0182 Modification 7 Environmental Assessment, august 2018

In return for administrative changes that benefit the proponent, administrative changes that benefit the community should also be implemented.

Areas of interest for nearby residents that the Department and IPC should consider include;

- The requirement to install on all groundwater pumps, water meters with telemetry to enable proper monitoring of groundwater pumping and the publication of the data
- To reverse the burden of proof to establish the impacts on groundwater bores remains with landholders
- The requirement that the companies install surveillance cameras to monitor toxic blasts

Recommendation

Contemporary conditions be gradually implemented in the Boggabri – Maules Creek area in addition to the conditions sought by the proponents as new Modification, Expansion and Extension projects inevitably come through.

For Example the Wallarah 2 condition² re groundwater burden of proof should be used to contemporise the Boggabri coal and other approvals re Compensatory Water supply. See below:

“Compensatory Water Supply

16. Prior to the commencement of extraction of coal, the Applicant must notify any owner of privately-owned land whose water supply could potentially be affected by the development of their right to a compensatory water supply, if their water supply is adversely and directly impacted as a result of the development.

The Applicant must provide a compensatory water supply to any owner of privately-owned land whose water supply is adversely and directly impacted (other than a negligible impact) as a result of the development, in consultation with CLWD

and to the satisfaction of the Secretary.

The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributed to the development. Equivalent water supply must be provided (at least on an interim basis) within 24 hours of the loss being identified.

If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.

If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.

Note: The burden of proof that any loss of surface water or groundwater access was not due to mining impacts rests with the Applicant.”

2 <https://majorprojects.accelo.com/public/0bd08da7c2b082f84e5d50b22ba482f0/04.%20Walarah%20%20Coal%20Mine%20Development%20Consent%20Conditions.pdf>

This is an administrative change as it won't affect the size of the hole or the way the coal is produced.

It is the way modern approval conditions are framed and local residents only want to avail themselves of the protection that other communities around the state have.