



Professor Mary O'Kane AC
Chair - Independent Planning Commission
Level 3, 201 Elizabeth St
Sydney NSW 2000



Dear Professor O'Kane

Boggabri Coal Mine – Modification (MP09_0182 Mod 7)

The Department has completed its assessment of Boggabri Coal's application to modify the project approval for the Boggabri Coal Mine under the former section 75W of the *Environmental Planning and Assessment Act 1979*.

The application has five components:

- allowing biodiversity offsets to be transferred to the National Park Estate or secured under the *Biodiversity Conservation Act 2016*;
- using an approved stockpile area to store coal from the Boggabri Coal Mine rather than from the Tarrawonga Coal Mine;
- clarifying that any exploration activities in the approved mine area may be carried out without further approval;
- transporting small tonnages of coal by road for testing and marketing purposes; and
- removing the current overlap between the planning approvals for the Boggabri Coal Mine and the Tarrawonga Coal Mine.

The Department did not seek submissions on the application due to the minimal impact and largely administrative nature of the proposed modification. However, it received 29 representations on the application including 26 objections from the general public.

Due to the high level of public interest in the application, the Department considers the Independent Planning Commission should determine the application under the Minister's delegation of 14 September 2011.

The Department has attached a copy of the representations on the project.

As the representations did not come through the normal channels (the Department's website), none of the submitters have signed the standard privacy disclaimer. Consequently, the Department requests that you do not disclose the personal information or the contents of any of the representations without the written consent of the submitter.

Based on its assessment, the Department considers that the modification request is approvable, subject to a number of revised conditions to permit the modification request components to be undertaken.

If you have any further questions or would like the Department to brief the Commission about its assessment, please contact Mr Stephen O'Donoghue, A/ Director Resource and Energy Assessments, on 0477 345 626.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

18/12/2018