

**Boggabri Coal Mine: Modification 7 IPC meeting 12<sup>th</sup> April 2019**  
(8,134 ha – Leard State Forest)

I acknowledge that we are on Gomeroi country and pay my respects to past present and future Elders.

I appreciate the time given to speak on this modification application, I regret that it is almost impossible to speak to all concerns given such short allocations of only minutes when these modifications have impacts on the local community for decades. So, I will only elaborate on the proposed sections of this mod 7 that I am most concerned about if it were to be approved.

I am one of the Boggabri Coal Community Consultative Committee Representatives, but I am here today to represent my personal views which I know are also shared by many local community members, on why this Modification should not be approved.

I would strongly disagree that this modification is purely 'Administrative'.

Extra tonnes of heavy coal samples on the already impacted dirt and tarred roads is not Administrative, there will be impacts.

The possible impact of aquifer interference with deep drilling is not Administrative.

The lack of Offsets secured by the due date may sound like Administrative but the possibility of the Biodiversity Offset Corridor being mined in the future due to Administrative changes is not purely, Administrative, there will be impacts.

By being labelled Administrative there would be no need for public scrutiny and no need to be put up for public Exhibition. Instead the Department simply put it on their web site and hoped that it there would be no complaints and submissions against this modification, and it would be approved expediently.

That didn't happen as there were over 30 submissions.

If the Department is to uphold any credibility with the local community that is heavily impacted by this mine and two other mines in the Leard State Forest, then I would suggest that in the future they err on the side of better judgment and exhibit all modifications no matter how small in relation to any and all mining projects that are in the Maules Creek, Boggabri, Gunnedah and Narrabri district.

It is our personal lives and livelihood that are impacted very heavily by this mining precinct in the Leard State Forest and I believe that the community all deserve open independent and transparent information as to how these mines intend to proceed with any changes to the initial Project Approval.

The Boggabri Coal CCC were informed of this Mod 7 in a meeting.

After discussions as to why this Mod 7 was to be regarded as Administrative and not go through the normal process of public Exhibition, the reason was given that there would be NO impacts, therefore no need to put it on exhibition or to consult with the community.

After more discussions, Boggabri Coal did inform us that we could make submissions to the department regarding this Mod 7, this went some way to restoring trust. But there is always the modification from 2016 that states; The proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval with the agreement of the Secretary.

Similar to Self-reporting, this type of implication by the proponents plays a big part in the Department and Proponents decision to include or exclude the community in decisions that could ultimately affect their very livelihood. Leaving the community in the cold is simply not good politics. This is what is happening with some documents that are produced by the mining proponents in this precinct, the community are excluded from reviewing and having input on documents that the Department and the proponents decide the local community don't need to be consulted on.

A comment from Boggabri Coal goes on to state that the community is wasting Government resources by having the mod 7 referred to the IPC. I find that offensive. I am of the understanding that if there is sufficient concerns and objections through submissions by the community and general public regarding a modification then, it is automatically referred to the IPC. It was only by the fact that this modification was disclosed at a CCC and was taken further by concerned community representatives, that this modification had the spotlight turned on it and here we are today.

Approval creep is now the norm, modification after modification. This is not what the community was presented with in the initial Boggabri Environmental Assessment (EA) and what we expected from this mining company has now grown from the original project plan footprint to an extension much larger with many changes along the way, almost one every year and some major changes, such as the new bore-field in 2016.

There is frustration when so many changes are made to plans behind the scenes with the department of planning to facilitate the outcomes that were never revealed at the very beginning of the Approval process. In this instance it relates to the long-term biodiversity offset area security arrangements in the mod 7.

These offsets were to be secured in December 2014 in perpetuity, and here we are in mid, 2019 extension after extension was granted and still no offsets secured and further leeway given until February 2020 unless another extension is granted after that date. No firm details are revealed of how they are to be secured in perpetuity.

### **Vegetated Corridor between Boggabri and Maules Creek Coal Projects**

51. For the vegetated buffer corridor required to be retained and protected between the projects under Condition 7 of Schedule 2 of this approval the Proponent shall:

- (a) use its best endeavours to work cooperatively with the Proponent of the Maules Creek Coal Project to enhance the functioning of the area as a biodiversity corridor; and
- (b) include in the Biodiversity Management Plan the details as to how impacts on the corridor are to be minimised,

to the satisfaction of the Secretary.

### **Planning Assessment Commission (PAC) - recommendations**

The value of the biodiversity corridor was further highlighted by the Planning Assessment Commissions (PAC) assessment, with a key recommendation of the Project was that a minimum 500m buffer be retained between Boggabri and Maules Creek coal mines, with no surface disturbance within 250m of the mining lease boundary between the mines.

Establishment of a viable biodiversity corridor through the Leard State Forest;

OEH and DPE also agreed with this recommendation.

Then I find in an obscure document called Residual Matters report part 1 – July 2011

### **Mining of Barrier Coal**

" The coal resource known to occur in the vicinity of this boundary (barrier coal) is not currently proposed to be extracted as part of the Project. It is understood that the barrier coal is not proposed to be extracted as part of the Maules Creek Coal Project.

Elsewhere:

Boggabri Coal commits to using its best endeavours to reach in good faith an appropriate barrier coal extraction agreement with Aston by the end of Year 5 of operations. At this time both operations will be substantially advanced and be better placed to determine a suitable solution for the extraction of the barrier coal which considers best practice final landform and ecological outcomes.

This I find inconsistent, one minute it is not going to be touched and to be secured in perpetuity and the next it is definitely on the radar of both mining companies

In my view there is no Ecological outcome or Biodiversity preservation if this corridor is to be mined, just the loss of more ECC community and habitat.

### **In February 2013 - the Boggabri Coal Mine Extension Approval Conditions:**

- a. Protection of native vegetation of a total width of 500 metres (m) where the Boggabri coal mine lease boundary is adjacent to the Maules Creek Coal Mine lease boundary.
- b. Maintenance in perpetuity of this area as a biodiversity corridor; and
- c. Evidence that the biodiversity corridor will be protected in perpetuity through a legal mechanism that would provide the equivalent protection of a conservation covenant.

The Approved Biodiversity Corridor plan must be implemented.

Boggabri Coal produced their Biodiversity Corridor Plan (BCP). All the while the community was unaware that the words included in this BCP would in the future allow this mining company to plant or somehow produce an alternative Biodiversity Corridor, to be approved by the Secretary of equal biodiversity value. I don't believe that this is a possibility to replicate the same 'like-for-like' biodiversity, it takes hundreds of years to produce White Box hollows and grow substantial habitat.

So are the recommendations of the PAC, OEH and DPE to be disregarded?

If this Independent Planning Commission makes recommendations, do you expect that they will be implemented?

The main objective of this Biodiversity Offset Corridor was to protect threatened flora and provide east west connectivity, between these two mines and provide a corridor for the birds, bats reptiles and mammals. The recommendation that the Corridor be protected in perpetuity, along with the other offset areas, and to be in place by December 2014. Obviously, biodiversity and wildlife come a second best to coal under a 500m wide strip of old growth forest. Biodiversity conservation means nothing.

While Boggabri Coal considers that they have been disadvantaged by the delay in getting approval of this mod 7, please consider that the community have waited 5 years for the Offsets to be secured in perpetuity and they are still not any the wiser as to how this will happen and when. This is a very big stumbling block that was to be part of the very approval, 2014 has long since passed.

With the aid of approval creep the possible destruction of the joint Biodiversity 'Offset' Corridor is definitely in the sights of both of these mining companies.

And the security of the offsets will be decided by an agreement that is acceptable to the Secretary of the day, not even the Minister, and the very instruments that are to be used to secure these very important Offsets, that will take decades to even come close to the quality of the now destroyed old growth forest with its Critically Endangered Ecological Communities are still not specifically defined, a work in progress, and a complete disappointment.

Regarding this particular Biodiversity 'Offset' Corridor that divides these two mines, I feel I would be right in saying that many in the community also feel deceived by the changing of words in documents which would enable this contentious and precious piece of Leard State Forest to be protected one minute and destroyed by the stroke of a pen, the next.

I hope that I haven't confuse you and that you have a greater understanding of the inconsistency of documents that myself and community members have to wade through literally hundreds and hundreds of pages of Management Plans, and approvals and modifications that constantly refer you to another section of another document that has just been changed and modified.

### **Transport of Coal sample by Road.**

Up until now we have been told there have been coal samples transported by road in small quantities in containers, some with approval presumably some without approval.

My concern is there are no specifics on the number of times this might be necessary each year or over the life of the mine, only the amount variation.

The possible 60 tonnes samples are large samples. For larger samples like these there must be a way that they can be accommodated on the rail system and not be transported by road.

### **SCHEDULE 2**

## **ADMINISTRATIVE CONDITIONS**

### **December 2018 modification**

The Proponent may transport up to 200 tonnes of coal per year from the site by road for marketing and testing purposes. All other coal must be transported from the site via the Boggabri Rail Spur Line, except in exceptional circumstances as agreed with RMS and Council and approved by the Secretary.

So why is it necessary to have this modification if they already have approval for transport of up to 200 tonnes per year?

### **Drilling and Exploration**

Previously there were only Core & Open hole drilling to the basement of the coal basin, now there is an array of different drilling techniques to be used.

There appears to be a lack of details in relation to the location of exploration bores, only a map in the MOP and acknowledgment that they will indicate locations progressively. So, no set plan regarding bore hole locations, that's not even administratively explained.

It is concerning that exploration drilling requires drilling to the bottom of the coal basin 400m, when Boggabri mine only has approval to open cut mine to the level of the Merriown coal seam which is 300m.

Why is this necessary?

With deeper drilling, there could be potential impacts of aquifer interference as stated in their Mod 7, in light of the water issues or lack of water at this time in this district this is of great concern.

It is my understanding that Boggabri Coal have purchased or are seeking to purchase Zone 11 Ground water entitlements.

Why would Boggabri Coal require Zone 11 entitlements? and is this through there existing works approval or due to this modification or a future modification?

The community have not previously been aware that Boggabri Coal has had the need to acquire a Zone 11 licence or ground water allocation.

Or perhaps is this to allow for another modification in the future to permit approval of mining of more coal seams below Merriown?

Or is this just in case there is aquifer interference or impact on Zone 11?

This modification lacks specific detail and is very concerning, especially in respect of our underground aquifers, which require much more detailed research and verification.

I hope that the Commissioners understand that 'approval creep' is one of my major concerns that may seem insignificant at the time of writing, but has grave consequences further down the track and this is where the community lose all confidence in the planning sector and proponents.

In this IPC process, we are grateful to have the opportunity to voice our concerns, but we also would like the opportunity to further elaborate on these concerns if the proponents are extended that same opportunity, after all this our district and we are the impacted community.

I also hope that any and all of your recommendations are wisely worded to leave no gaps that are used as loop-holes.

Thank you,

Roselyn Druce.