

14/12/2022

Director  
Resource Assessments, NSW Planning  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

To whom it may concern,

**RE: Submission on Maules Creek Coal Mine Modification 9**

Maules Creek Coal Pty Ltd (**Maules Creek**) has proposed a modification to the existing open cut Maules Creek Coal Mine (**MCCM**) for the construction and use of a 700-metre powerline between the Roma Bore pump and existing 11kV powerline and proposed changes to the existing biodiversity offset strategy for the mine including:

- Five additional offset properties proposed to be included in the modified biodiversity offset strategy;
- Five offset properties proposed to no longer be included in the modified biodiversity offset strategy; and
- Alterations to a number of the existing offset areas to reflect contemporary as surveyed property boundaries (**MCCM MOD 9**).

One of the properties that Maules Creek is proposing to remove from its biodiversity offset strategy, known as Rocklea and referred to in the Modification Report for MCCM MOD 9 as “Shared Offset”, is one of two properties that Whitehaven Coal (**WHC**) jointly owns with Boggabri Coal Operations Pty Ltd (**BCOPL**).

For the reasons set out in this letter, BCOPL submits that, as part of its consideration of whether to grant MCCM MOD 9, the Department needs to take into account:

- the importance of the Rocklea property for the regional biodiversity connectivity of the BTM complex (being the Boggabri Coal Mine (**BCM**), MCCM and Tarrawonga Coal Mine); and
- BCOPL’s reliance on the Rocklea property to satisfy BCOPL’s biodiversity offsetting requirements for the BCM under its State Project Approval (SSD 09\_0182) and Commonwealth EPBC Act Approval (EPBC 2009/5256).

Provided that the shared offset properties are reserved for biodiversity conservation and BCOPL can continue to use these properties to satisfy its biodiversity offsetting requirements for the BCM, BCOPL does not object to the MCCM MOD 9.

## **Conservation Agreement over Rocklea**

In the Modification Report for MCCM MOD 9, Maules Creek notes that:

*The Rocklea Property is 50% owned with Idemitsu Boggabri Coal, and 50% of the ecological values are used as an offset for the Boggabri Coal Mine. The Boggabri Coal Mine Offset Area is required to be secured by December 2022 under the [Boggabri Coal Mine] EPBC Act approval (EPBC 2009/5256).*

In order to comply with its biodiversity obligations under the BCM Project Approval and BCM EPBC Act Approval, BCOPL has submitted applications for Conservation Agreements to the Biodiversity Conservation Trust (BCT) for approval for almost all of its proposed offset sites.

The only outstanding conservation agreement application to lodge with BCT is over the shared offset sites with Whitehaven Coal, being the Rocklea and Bellevue properties. All of the necessary documentation has been prepared by BCOPL to be submitted to the BCT for these properties and was sent to Whitehaven Coal on 19 September 2022. As at the date of this letter, BCOPL has not received any formal confirmation from Whitehaven Coal that the application can be lodged.

BCOPL has requested an extension of time under its Project Approval and EPBC Approval to work with BCT to secure the required offsets through registered conservation agreements. However, BCOPL is concerned about the implications of MCCM MOD 9 and potential further delays that could arise and jeopardise its ability to secure the conservation agreement over the shared properties within the required timeframe.

## **Importance of Rocklea biodiversity**

The Rocklea property is a critically important property for BCOPL and the BCM Biodiversity Offset Strategy and cannot be considered in isolation from the broader Leard State Forest Regional Biodiversity Strategy Stage 2 (Umwelt, 2017) (**Regional Biodiversity Strategy**) that was prepared as a condition of approval in the State Project Approval documents for all three BTM Complex mining projects.

The purpose of the Regional Biodiversity Strategy was to provide a framework for the development, implementation and management of biodiversity offset programs resulting from mining proposals from the three mines and other significant land use changes in the region. All of the mines within the BTM Complex have extensive existing approved offset areas and, according to the Regional Biodiversity Strategy, complementary management of these offsets is needed to ensure they achieve the best possible biodiversity outcomes from a regional perspective.

All native vegetation on Rocklea contributes to the BCM Biodiversity Offset Strategy from a vegetation and species habitat perspective. This includes habitat for Matters of National Environmental Significance (MNES) species i.e. Swift Parrot, Regent Honeyeater and Corbens Long-eared Bat and the CEEC Box Gum Woodland (Schedule 3 Condition 46 (State) and Condition 12 (Commonwealth) conditions of approval).

Figure 6-13 of the Modification Report for MCCM MOD 9 shows the location of the offset areas within the proposed modified biodiversity offset strategy for MCCM, along with the offset areas proposed for the BCM. The Modification Report for MCCM MOD 9 states that:

*The modified biodiversity offset strategy maintains a possible linkage from Nandewar Range to Leard State Forest (through the Boggabri Coal Offset Area and Onavale Offset Area), and from Leard State Forest to the Namoi River (through Teston South, Louenville, Velyama and Kelso Offset Areas) retaining the potential “east/west” components of the corridor to the*

*Namoi River that the Maules Creek Offset Areas contribute to (PA 10\_0138 Schedule 3 Condition 52e). The possible linkage would be maintained through the combined Whitehaven and Idemitsu Boggabri Coal Offset Areas.*

Any exclusion or reduction in area of the shared offset areas (being the Rocklea and Bellevue properties) would negatively impact the landscape connectivity across the BTM Complex, particularly the connectivity between Leard State Forest, along the Namoi River floodplain to remnant vegetation patches west of the Kamlaroi Highway. Further it would be contrary to the intent and objectives of the current Regional Biodiversity Strategy, the BCOPL Biodiversity Offset Strategy and the BCOPL Biodiversity Management Plan. Indeed, BCOPL has designed its Biodiversity Offset Strategy, including its reliance on the Rocklea and Bellevue properties, to ensure it is consistent with the Regional Biodiversity Strategy.

### **Consultation**

Maules Creek consulted with BCOPL in 2021 in relation to the proposed power line from the Roma Bore and that they were intending to modify the MCCM biodiversity offset strategy to align the offset areas required under their project approval and EPBC Act approval; however, such consultation did not expressly address the treatment of properties jointly owned with BCOPL (Rocklea and Bellevue).

Consequently, this submission is required so that the Department is aware of the broader biodiversity implications of the MCCM MOD 9 on:

- BCOPL's ability to comply with its State Project Approval and EPBC Approval without further modification; and
- broader connectivity with the other offset areas across the whole BTM Complex.

BCOPL requests that Maules Creek is asked to explain how it will ensure, in light of MCCM MOD 9, that the properties it jointly owns with BCOPL (Rocklea and Bellevue) will continue to be maintained as biodiversity offset areas to ensure:

- that there is no requirement for BCOPL to obtain further modifications to either its State Project Approval or EPBC Approval; and
- the intent and objectives of the Regional Biodiversity Strategy are maintained.

Should the Department require further clarification on the matters addressed in this letter, please contact Shane Wright on mobile 0417 072 804, email: [shane.wright@idemitsu.com.au](mailto:shane.wright@idemitsu.com.au).

Yours sincerely



Shane Wright  
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