



Our reference: DOC13/80931
Contact: Erica Baigent (02)
68835311

Director, Mining and Industry Projects
Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2011

27 November 2013

Attention: Matthew Riley

Dear Mr Riley

RE: Boggabri Coal Project (09_0182 MOD 3) Exhibition of Environmental Assessment

I refer to your email, received on 8 November 2013, inviting comment from the Office of Environment and Heritage on the Environmental Assessment (EA) for the above proposed modification.

A detailed response is included at **Attachment A**.

Overall, OEH is primarily concerned with confirming the impacts to the Boggabri Coal Project Namoi River Offset Area as a result of the proposed modification and ensuring that both impacts to this existing offset quantum, and the additional loss of native vegetation, are appropriately offset.

The Mod 3 EA has also reached some different conclusions regarding the vegetation communities present within the offset site and their condition, in comparison with earlier documents. It appears that the extent of native vegetation and the condition of at least one site within the Namoi River Offset Area may have been over-estimated previously. Further clarification on this matter would be appreciated.

If you have any questions regarding the items raised in this response please contact Erica Baigent, Conservation Planning Officer on (02) 68835311 or via erica.baigent@environment.nsw.gov.au .

Yours sincerely

SONYA ARDILL
Senior Team Leader Planning
North West Region

Attachment A: OEH Biodiversity comments

Boggabri Coal Mine – Modification to Project Approval (09_0182 MOD 3)

OEH Biodiversity Comments

Acronyms and definitions

<i>Original Boggabri Coal Project EA</i>	Environmental Assessment for the approved Boggabri Coal Continuation Project (Hansen and Bailey 2010), specifically Appendix I (Parsons Brinckerhoff 2010) of Appendix J Biodiversity Impact Assessment.
<i>Mod 3 EA</i>	Environmental Assessment for the proposed modification (Hansen and Bailey 2013)
<i>Mod 3 EA (Ecological Assessment)</i>	Ecological Assessment for the proposed modification (Parsons Brinckerhoff 2013)
<i>Modification Study Area</i>	Impact footprint associated with the proposed Modification 3 (Page 7, Parsons Brinckerhoff 2013)
<i>DoPI</i>	Department of Planning and Infrastructure
<i>EEC</i>	Endangered Ecological Community
<i>BMP</i>	Biodiversity Management Plan for the approved Boggabri Coal Project (Appendix E) (Idemitsu Boggabri Coal 2012)
<i>OEH Interim Offset Policy</i>	NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects.
<i>NSW Offset Principles</i>	NSW Offsets Principles for major projects (State Significant Development and Infrastructure http://www.environment.nsw.gov.au/biodivoffsets/nswoffsetprincip.htm)

General Comments

The results of the on ground assessments are not presented, nor are maps provided to identify the location of the surveys carried out or the locations of the habitat features identified. An overview of the survey methodologies is provided within the EA and page 20 states that details of the methodologies employed are outlined in Section 3.8.2. However Section 3.8.2 does not appear to exist within the document.

OEH cannot comment on the appropriateness of the conclusions regarding vegetation type classification and condition or threatened species habitat in the absence of sufficient data relating to these. It is noted that vegetation community descriptions are included (pages 26-28 of the Mod 3 EA Ecological Assessment) however the photos (and largely the vegetation community description for the *Pilliga Box – Poplar Box White Cypress Pine grassy open woodland*) appear to have been derived from the original Boggabri Coal Project EA rather than being specific to the sites of the proposed modification.

Therefore the OEH review of the documentation provided has had to take the proponent's conclusions regarding the above matters at face value. The comments below should be read in this context.

1. Clarification is required regarding the extent and nature of impacts associated with the Kamilaroi Highway Access proposal.

OEH notes that the construction of permanent mine access from the Kamilaroi Highway will be undertaken at two locations. There are referred to as the 'northern' and 'southern' access points in this submission.

The proposed southern highway access point is stated to impact 2.8ha of *White Box-White Cypress Pine grassy open forest* (described as 'grassy open woodland' in the original Boggabri Coal Project EA) considered to meet the definition of the Box Gum Woodland EEC, 2.6ha of which is reported to occur within the original Boggabri Coal Project offset. The conclusions regarding the vegetation type at this site appear to match the conclusions of the original Boggabri Coal Project EA.

At the proposed northern highway access point, the Mod 3 EA states that 11.2ha of *Pilliga Box – Poplar Box White Cypress Pine grassy open forest* (described as 'grassy open woodland' in the original Boggabri Coal Project EA) will be impacted. The Mod 3 EA (Ecological Assessment, Table 6.2, page 40) states that of this 11.2ha to be impacted, 10.7ha are within the previous Boggabri Coal Project offsets (Namoi River Offset).

The Mod 3 EA also states that the Kamilaroi Highway access points will impact on 11.4ha of exotic grassland, 11ha of which is stated to be included the Namoi River Offset (Ecological Assessment, Table 6.2, page 40). The maps provided within the Mod 3 EA indicate that this exotic grassland is located at the northern access site.

However the original Boggabri Coal Project EA and the Biodiversity Management Plan (BMP) for the Boggabri Coal Project and offset strategy, appear to have mapped this vegetation as *Pilliga Box – Poplar Box White Cypress Pine grassy open woodland* (EA Figure 3-2 'Vegetation Communities', page 35 and BMP Figure E-13, page 48) with no reference to the presence of exotic grassland. Similarly the BMP described the 'pest and weed density' of this site as 'low' (Figure E-16, page 55) and included the site in the 'Habitat Management' zone (Figure E-13, page 48). The Habitat Management Zone is described being '*associated with remnant native woodland vegetation in good condition, with limited disturbances and exotic species present. This zone requires some active pest and weed management activities, fencing of areas adjoining lands not managed for biodiversity conservation and the exclusion of livestock grazing. These areas are generally considered to not require any assisted revegetation and provide existing high quality fauna habitats*' (BMP page 77). It has not been previously reported by the proponent that this offset site includes exotic grassland.

Recommendations:

OEH recommends that:

- 1.1 The proponent be requested to confirm the vegetation types to be impacted by the Kamilaroi Highway Access and the extent of impact on these. OEH would appreciate the opportunity to review all plot data collected for this site, including any collected during the production of the original EA and the BMP.
- 1.2 The proponent be requested to depict (at an appropriate scale) the northern and southern Kamilaroi Highway Access sites in relation to the mapped offset areas/BMP management zones.
- 1.3 DoPI consider further the potential inaccuracies in vegetation type mapping for the original Namoi River Offset area.

2. Clarification is required regarding the extent and nature of impacts associated with the Rock Quarry.

OEH understands that this component of the modification will involve the transport and temporary storage of processed mine overburden at an existing quarry site and reuse of this material in rail spur embankments.

The Mod 3 EA reports that this component will only impact on 4.3ha of exotic grassland and (page 11) that the entire disturbance is located within the Namoi River Offset Area described in the original Boggabri Coal Project EA.

The proposal only indicates use of an existing quarry and roads, however the mapping within the Mod 3 EA suggests impacts to remnant native vegetation including areas previously mapped in the original EA as '*White-Box-White Cypress Pine grassy woodland*' (matched to the Box Gum EEC) and included within the original Boggabri Coal Project offsets.

Recommendations:

OEH recommends that:

- 2.1 The proponent be requested to clarify whether any upgrading or widening of the access roads to the quarry will be required.
- 2.2 The proponent be requested to depict (at an appropriate scale) the impact footprint associated with the Rock Quarry component of the modification, in relation to native vegetation and the mapped offset areas/BMP management zones.
- 2.3 If the proposed works at this site will extend beyond the existing road and quarry footprints, OEH would appreciate the opportunity to review all plot data collected for this site, including any collected during the production of the original EA and the BMP.

3. Clarification is required regarding the extent and nature of impacts associated with the Daisymede Compound.

OEH understands that this component of the proposed modification involves the reuse of an existing compound, with some additional impacts surrounding this site.

The Mod 3 EA (Ecological Assessment, Table 6.2, page 40) states that this component will impact 17.9ha of exotic grassland, 8.8ha of which was previously included in the Namoi River Offset. Conversely the Mod 3 EA (page 11) also states that the entire disturbance is located within the Namoi River Offset Area described in the original Boggabri Coal Project EA.

On page 11 the Mod 3 EA also states that this area has been previously disturbed and does not support any native vegetation. OEH notes that this area was described in the original Boggabri Coal Project EA variably as '*derived native grassland*' ('*White Box-White Cypress pine grassy woodland*') (Figure 3-4 and Figure 4-1) and '*Exotic Grassland*'. Nevertheless OEH does acknowledge that this site is only included in the BMP 'Corridor Enhancement' management zone (Figure E-15, page 53) with the 'pest and weed density' described as 'high' (Figure E-16, page 55). In the original Boggabri Coal Project Approval DoPI indicate that additional land included within the Namoi River Offset Area and others for corridor enhancement were areas '*Located on poor condition (for biodiversity conservation) land but managed to improve connectivity in offset corridors*'. This intent is supported by the BMP.

Recommendations:

OEH recommends that:

- 3.1 The proponent be requested to confirm the vegetation types to be impacted by the Daisymede Compound component of the proposed modification, including provision of a map at a suitable scale to confirm the extent of impacts. OEH would appreciate the opportunity to review all plot data collected for the impact site, including any collected during the production of the original EA and BMP.
- 3.2 The proponent be requested to depict (at an appropriate scale) the Daisymede Compound component of the modification in relation to the mapped offset areas/BMP management zones.

4. The proposed offsets for the impact of the modification must address both the impacts to the existing offsets and additional vegetation loss.

The intentions of the proponent regarding the provision of additional offsets are unclear.

The Mod 3 EA (Ecological Assessment, Section 10, page 55) summarises the total impacts of the proposed modification as 47.6ha, including 14ha of native vegetation (2.8ha of EEC) and potential habitat for three threatened flora species and 24 threatened fauna species. The Mod 3 EA (Ecological Assessment, Table 6.2, page 40) also states that the total impact to the original Boggabri Coal Project biodiversity offsets is 37.4ha, with only 13.3ha of this considered to constitute native vegetation.

The Mod 3 EA recognises that amendment of the existing Boggabri Coal Biodiversity Offset Strategy will be required to offset the impacts upon land previously secured as offsets for the Boggabri Coal Project. The Mod 3 EA Table 5 (Page 33) and Mod 3A Ecological Assessment (Section 10, page 55) indicate that the proponent only considers it necessary to provide an additional offset of 13.3ha to replace the 13.3ha of native vegetation being impacted within the existing offsets.

Nevertheless the Mod 3A Ecological Assessment (Section 10, page 55) also notes that *'Identification of additional offsets twenty times greater than the impact areas will result in a net gain of protected habitat for the threat-listed species and communities'*. This appears to be a reference to Condition 11 of Commonwealth Approval for the Boggabri Coal Project which requires that if the proponent wishes to take any action (apart from agreed management measures) in the offset areas secured under Condition 7 of that approval, they must seek approval from the Minister. If the Minister agrees to the action, the area impacted must be excised from the offset area and alternative offsets secured by the proponent at a ratio of at least 20:1 in relation to matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999*. It is not clear to OEH whether the Namoi River Offset is currently an agreed offset under the Commonwealth Approval.

Regardless of the Commonwealth requirements, OEH would expect a new offset to provide at a minimum:

- Sufficient quantum to replace the credits generated by the components of the original offset which would be impacted by the modification (reported to be 37.4ha). In other words the proponent must move the expected outcome of the conservation management of the land (ie the credits generated or the 'gain') to another parcel of land.

plus

- Sufficient quantum to offset the additional loss of native vegetation and threatened species habitat as a result of the modification. The loss of an additional 13.3ha or more of native vegetation was not assessed or offset previously.

Recommendations:

OEH recommends that:

- 4.1 The proponent be required to calculate the additional offset requirements associated with the modification including:
- a) The quantum of the offset required to offset the additional loss of native vegetation and threatened species habitat as a result of Mod 3; and
 - b) The quantum of the offset required to replace the credits that would have been generated by the components of the original offset strategy to be impacted by Mod 3. Quantification of the quantum required to be transferred to another site must be on the basis of the vegetation types and condition described in the current approved offset strategy and BMP (ie the expected gains to offset the losses associated with the original Boggabri Coal Project).

The revised offset strategy should be consistent with either the OEH Interim Offset Policy or the OEH Principles for Biodiversity Offsets.

- 4.2 Any approval of the modification be accompanied by a requirement for recommendation 4.1 above to be delivered within the BMP and Leard Forest Precinct Regional Offset Strategy.

References:

Hansen and Bailey (2010) *Continuation of Boggabri Coal Mine Environmental Assessment*. Report prepared for Idemitsu Boggabri Coal Pty Ltd (December 2010).

Hansen and Bailey (2013) *Boggabri Coal Mine Project Approval Modification Environmental Assessment*. Report prepared for Idemitsu Boggabri Coal Pty Ltd (November 2013).

Idemitsu Boggabri Coal (2012) *Biodiversity Management Plan (BMP) – Boggabri Coal*. Unpublished Report.

Parsons Brinkerhoff (2010) *Continuation of Boggabri Coal Mine – Biodiversity Offset Strategy*. Report Prepared on behalf of Hansen and Bailey Pty Ltd for Idemitsu Boggabri Coal (October 2010). In Appendix J of Hansen and Bailey (2010) *Continuation of Boggabri Coal Mine Environmental Assessment*.

Parsons Brinkerhoff (2013) *Boggabri Coal Expansion Project – Ecological Assessment for Boggabri Coal Project Modification*. Report prepared on behalf of Hansen and Bailey Pty Ltd for Idemitsu Boggabri Coal . In Hansen and Bailey (2013) *Boggabri Coal Mine Project Approval Modification Environmental Assessment*.