



Your reference: 09_0182 MOD4
Our reference: DOC15/15989-1
Contact: Terry Mazzer 6883 5302
Date: 27 January 2015

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GPO Box 39
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Dear Steve

RE Boggabri Coal Modification 4 Environmental Assessment

I refer to your email dated 18 December 2014 requesting comment from the Office of Environment and Heritage (OEH) on the above environmental assessment.

OEH understands that the intent of the proposed modification is to:

- alter the project boundary to include infrastructure built prior to the project approval,
- alter existing infrastructure within the mine, including the extension of two dams, realignment of a haul road, extension of the run-of-mine coal stockpile and construction of new hardstand areas,
- construct a security fence and firebreak along the approved disturbance boundary, and
- use additional portable fuel storages.

OEH's comments are provided in Attachment A.

Should you require further information please contact Terry Mazzer, Conservation Planning Officer on (02) 6883 5302.

Yours sincerely,

SONYA ARDILL
Senior Team Leader Planning, North West Region
Regional Operations

OEH review

Boggabri Coal Environmental Assessment (09_0182 MOD4)

Acronyms

BCPL	Boggabri Coal Pty Ltd
BMP	Biodiversity Management Plan
DP&E	Department of Planning and Environment
EA	Environmental Assessment
EEC	Endangered Ecological Community
FBA	Framework for Biodiversity Assessment
OEH	Office of Environment and Heritage

1 Amendment of the Project Boundary

OEH notes the commitment by BCPL in s6.1.3.2 of the EA to replace the lands excised from the Namoi River Offset Area (4.5 ha of native vegetation) with an alternative offset.

Recommendation

- 1.1 That BCPL ensure that the alternative offset includes equivalent vegetation types to those excised, particularly for the small area of EEC involved.

2 Vegetation Clearing and Offsets

OEH notes that the modification will result in the clearing of 22.7 ha of native vegetation, including 1.2 ha of EEC, beyond that previously approved under the project approval. OEH also notes the proponent's intention to revise the Biodiversity Offset Strategy and Biodiversity Management Plan to incorporate changes created by this modification.

On 1 October 2014, the Biodiversity Offsets Policy for Major Projects, and the associated FBA was implemented. Consequently the FBA should be used to calculate offset requirements. However, OEH acknowledges that much of the work for this modification was conducted before the policy was finalised and that the project could be considered to be a transitional project. Additionally, the proposed clearing is within the previously approved project area, is minor in size compared to the approved project, application of the FBA would require substantial further work by the proponent and would not necessarily lead to a substantially different outcome from that proposed. In this case, for the aforementioned reasons, OEH is prepared to accept the calculation of required offset as proposed in the EA.

Recommendation

- 2.1 That DP&E ensure that the current revision to the Biodiversity Offset Strategy incorporates the additional required offsets as detailed in Table 6.3 of the EA.

3 Cultural Heritage

OEH notes that three sites will be affected by the modification; an Aboriginal modified tree, a subsurface deposit and a marked survey tree from the 1880s. These sites are all within the previously approved project area although were previously not expected to be impacted.

BCPL proposes to mitigate the impacts on cultural heritage by revising its Cultural Heritage Management Plan to include new areas and activities and to salvage the artefacts.

Recommendation

- 3.1 That DP&E ensure that the mitigation activities proposed in s6.2.2 of the EA are implemented.

4 Tylophora linearis

This threatened plant species has recently been recorded within the Boggabri Coal Project Area and within adjacent State Forest as detailed in Appendix B, s4.3.1 of the EA. Twenty two individual plants at one location are expected to be lost as part of this modification. *T. linearis* appears to be widespread in the area, having been located at 10 of 19 survey sites and in 71 patches in the 2014 pre-clearing area.

Table 6.1 of Appendix B of the EA includes the mitigation measure:

“Pre-clearing surveys to be undertaken along with other ecological preclearance surveys during the May – November flowering period for Tylophora linearis before any vegetation clearing is to begin.”

No information is given regarding procedures to be followed if the species is encountered. Maules Creek Coal has prepared a propagation and translocation plan for this species as part of their BMP.

Recommendations

- 4.1 That DP&E ensure that pre-clearing surveys for this species should be undertaken as part of the BMP for the Boggabri Coal Project.
- 4.2 That BCPL investigate propagation and translocation procedures for this species along the lines of, or in cooperation with, Maules Creek Coal Project.

5 Security / Boundary Fence

One aspect of the modification is the proposed security fence along the project boundary. Associated with this fence would be a firebreak and access road. The EA states that this will not require any additional ground disturbance, presumably because the access track will be on land previously approved for mining. OEH has no comments to make based on the proposed construction of the fence (1.2 metre stock fence with three strands of barbed wire). OEH may have concerns if a more substantial fence was proposed which would prove a barrier to dispersal of terrestrial species.