



DOC15/504136-1
09_0182 MOD 5

Mr Matthew Riley
A/Senior Planner
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Riley

Boggabri Coal Mine - Modification 5 – Environmental Assessment

Thank you for your email dated 24 September 2015 inviting the Office of Environment and Heritage (OEH) to comment regarding the Environmental Assessment (EA) for the proposed Boggabri Coal Modification 5. OEH notes the proposed modification is sought to establish and operate two production bores, four contingency bores and ancillary infrastructure including power lines, access tracks and pipelines. OEH further notes that some components of this modification are within the biodiversity offsets identified in the Boggabri Coal Project Biodiversity Offset Strategy (BOS).

This proposal is a modification of an approval granted under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. OEH notes that the application for this modification has occurred more than a year after the NSW Biodiversity Offsets Policy for Major Projects became operational. It is OEH's understanding that as Secretary's Environmental Assessment Requirements (SEARs) were not issued for this modification, the DGRs issued in 2009 apply. Therefore, application of the Framework for Biodiversity Assessment (FBA) is not required.

It is OEH's view that the impacts of major projects and their modifications on biodiversity values should be assessed by a reliable and transparent assessment of those values. Identification of the quantity of required offset for unavoidable impacts should therefore be achieved through application of the FBA or the Biobanking Assessment Methodology (BBAM). This has not occurred in the EA, rather the required offset has been calculated using the ratio of offset area to impact area found in the Biodiversity Management Plan for Boggabri Coal approved by the Department of Planning and Environment (DP&E). OEH does not consider this to be a reliable method for the calculation of offsets, however, the proposed clearing required for this modification is minor in size compared to the approved project and application of the FBA or BBAM may not necessarily lead to a substantially different outcome from that proposed. For this modification of the Boggabri Coal Project, OEH is prepared to accept the calculation of required offset using the area ratio as proposed in the EA.

OEH notes that the location of the required offset area, calculated in the EA to be 105.4 hectares, is not identified in the EA but will be incorporated into the revision of the BOS which is occurring concurrently. OEH considers this to be appropriate and recommends that the Department of Planning and Environment (DP&E) include a condition to this effect in the approval, if granted, using the

vegetation communities and areas listed in Table 6.5 of the EA to require that the vegetation types being cleared are represented in the new offset areas.

Recommendation:

DP&E alter the table in condition 39 of the Boggabri Coal Project consolidated approval to include a further line stating:

Area	Offset Type	Minimum Size (hectares)
<p>Additional modification offset area (Modification 5)</p> <p>Note: Location subject to final approval as part of revised Biodiversity Strategy to be prepared by the Proponent</p>	<p>Existing native vegetation to be protected and enhanced including at least:</p> <ul style="list-style-type: none"> • 1 ha of Weeping Myall Woodland EEC as listed under the TSC Act; • 1 ha of Plains Grassland or grassland of higher conservation status; • 7 ha of River Red Gum Riparian Woodlands and Forest or riparian woodland/ forest of higher conservation status; • 34 ha of Pilliga Box Grassy Open Forest or open grassy woodland community of higher conservation status. 	<p>105</p>

OEH considers that it is appropriate that the measures in the Cultural Heritage Management Plan will be implemented in the management of Aboriginal Cultural Heritage identified in the EA. These include avoidance, consultation with Registered Aboriginal Parties and salvage of artefacts where appropriate.

If you have any questions regarding this matter please contact Terry Mazzer on 02 6883 5302 or email terry.mazzer@environment.nsw.gov.au.

Yours sincerely

Monica Collins
15/12/2015

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