



Mr Stephen O'Donoghue
Senior Planner
Mining and Industry Projects
Department of Planning & Infrastructure
23-33 Bridge Street SYDNEY 2000

Dear Mr O'Donoghue

Cobbora Coal Project, NSW

Thank you for your invitation to comment on the revised Preferred Project Report and the Response to the Planning Assessment Commission Review for the Cobbora Coal Project. I apologise for our delay in responding. I note that the department has also had discussions with the proponent Cobbora Holding Company Pty Ltd (CHC) regarding advice received from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.

Please find below the department's comments in relation to the above reports with particular emphasis on the proposed biodiversity offsets package. This advice is provided on a without prejudice basis to assist the proponent in meeting the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The department is generally satisfied with the information provided in the PPR and subsequent water-related information that was provided to the department in response to the IESC's advice.

The department raised concerns with the proponent's consultants (EMM) regarding proposed translocation and nursery propagation of two species to meet EPBC Act offsetting requirements. The likely success of propagating and translocating specimens of *Homoranthus darwiniodes* and *Zieria ingramii* is uncertain.

In response, EMM provided further offsetting information on 4 September 2013 ([Attachment A](#)). The department assessed the proposed offset package against the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (October 2012)* and the *Offsets Assessment Guide* and concluded that given the uncertainty as to the likely success of propagating and translocating these species it would be appropriate for the approval conditions to require monitoring of the survival rates of translocated and tube stock and require replanting if survival rates drop below specified levels. The department generally requires offset packages to be finalised and agreed prior to approval of the action.

In April 2013 the department requested the IESC consider the Cobbora Coal Project Environmental Assessment Main Report (September 2012). On 18 April 2013 the Committee provided their advice ([Attachment B](#)). On 30 May 2013, the proponent's consultant EMM responded to the IESC advice ([Attachment C](#)). The department is satisfied that the information presented in the response and the revised PPR addresses the IESC's concerns.

The department also notes that assessment of potential water impacts from the Cobbora Coal Project have been extensively reviewed during the NSW approval process, including by

independent experts commissioned by CHC, DP&I and the NSW Planning Assessment Commission.

On 5 August 2013, the department also wrote to the proponent indicating that the Cobbora Coal Project has been assessed as being likely to have a significant impact on a water resource as per the provision of sections 24D and 24E of the EPBC Act, and inviting their comments. The department will notify you once a final decision on whether or not the water trigger applies to this project has been made.

If you have any questions on the above advice, please contact Mark Jenkins on (02) 6274 1558 or email mark.jenkins@environment.gov.au.

Yours sincerely



Mahani Taylor
Director
NSW Section
South-Eastern Australia Environment Assessments
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