



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Project assessment notes for Boggabri Coal Mine Modification 10, (EPBC 2024/09887, MP09_0182-Mod-10)

This assessment is being undertaken in accordance with the bilateral assessment agreement between the Australian and NSW governments (Amending Agreement No.1, 2020). This document is not legally binding and does not replace the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the assessment requirements, the bilateral agreement, or the administrative arrangements. This document is intended to complement the assessment requirements and assist NSW Department of Planning, Housing and Infrastructure (NSW DPHI) to manage the environmental impact assessment process. Details about the engagement steps pursuant to the EPBC Act process are at [Appendix A](#).

Project details

A valid referral was received on 23 July 2024. The proposed action was referred by Boggabri Coal Operations Pty Ltd, to modify the existing coal mine including land clearing to extend the mine boundary for open cut mining. The proposed action involves the clearing of approximately 85 ha of native vegetation, which constitutes known or likely habitat of multiple listed threatened species, and the continuation of mining activities at Boggabri Coal Mine (BCM), which includes clearing, excavation, drilling, blasting, construction of access roads, overburden emplacement and rehabilitation, by a further four years.

Matters of National Environmental Significance

There are likely to be significant impacts on the following controlling provisions:

- a) Listed threatened species and communities (sections 18 and 18A)
- b) Unconventional gas or large coal mining development with impact on water resources (section 24D and 24E)

All matters of national environmental significance (MNES) protected under the triggered controlling provisions are potentially relevant, however the Department of Climate Change, Energy, the Environment and Water considers that there is likely to be a significant impact on the following:

- Regent Honeyeater (*Anthochaera phrygia*) – Critically endangered
- Swift Parrot (*Lathamus discolor*) – Critically endangered
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable

The department also considered there was the potential for a significant impact to the Koala (combined populations of Queensland, NSW and the Australian Capital Territory) (*Phascolarctos cinereus*) – Endangered.

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ATT 203: NSW Bilat Project assessment notes v4.2

Based on the department's Environment Reporting Tool and information provided by the department's [Species Profiles and Threats Database \(SPRAT\)](#), the department considers that the following matters protected under Part 3 are possibly at risk of being impacted. These species should also be considered in the project's assessment; the significance of impacts to them should be determined, and if these additional species are significantly impacted, appropriate avoidance, mitigation and offset measures should be outlined in the environmental assessment documentation.

High to moderate likelihood of occurring in the proposed action area:

- Border Thick-tailed Gecko (*Uvidicolus sphyrurus*) – Vulnerable
- Brown Treecreeper (south eastern) (*Climacteris picumnus victoriae*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) - Vulnerable
- South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) – Endangered
- Large-eared Pied Bat (*Chalinolobus dwyeri*) – Vulnerable
- Spotted-tailed Quoll (*Dasyurus maculatus*) – Endangered

Note that this may not be a complete list and it is the responsibility of the proponent to ensure any protected matters under this controlling provision are assessed for the Commonwealth decision maker's consideration.

Based on the information available in the referral documentation, the department considers the proposed engagement described in [Appendix A](#) will be adequate. NSW DPHI is welcome to contact the department's project officer at any time if there are specific questions or alternately contact Jennifer Pearson, Director, Northern NSW Assessments Section.

Specific risks

Key risks associated with the proposed action from the Commonwealth perspective include:

- Threats to threatened species and communities from clearing, and
- Impacts to water resources.

The department notes that to date, the proponent has provided insufficient hydrological information to adequately assess the impacts of the proposed action on water resources. However, the department considers impacts to water resources are likely to arise from altered surface and groundwater hydrology. The department understands that the proponent will prepare a groundwater impact assessment and a surface water impact assessment. A joint Request for Advice (RFA) from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) will need to be developed for this project.

Relevant references and guidelines


The Bilateral Agreement (clause 7.3) requires that NSW ensure that the Assessment Report addresses whether granting (or not granting) approval is not inconsistent with Australia's obligations under international conventions, or management plans, or principles of relevance to the action's controlling provisions. The international conventions, management plans and principles that must be considered in relation to this proposal include:

- Listed threatened species or ecological community
 - a) Australia's obligations under the:
 - i) Convention on Biological Diversity (Biodiversity Convention);
 - ii) Convention on Conservation of Nature in the South Pacific (Apia Convention);
 - iii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); or
 - b) any recovery plans or threat abatement plans.

The Bilateral Agreement (clause 7.4) requires that NSW consider guidance material and relevant policies and plans when assessing an action and developing a recommendation to the Commonwealth Minister. The policies and plans that must be considered in relation to this proposal include:

- Relevant conservation advice and other relevant policies available on the department's [SPRAT Database](#).
- Relevant strategic assessment reports

Commonwealth Listing Advice, Survey Guidelines and Referral Guidelines contain information on threatened species and ecological communities which may provide further support to proponents and NSW DPHI in considering and evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found on the department's [SPRAT Database](#).

name and position	Lucy Long A/g Director, Northern NSW Assessments Section Environment Assessments (NSW, ACT) Branch
signature	
date of decision	30 August 2024

Contacts

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Appendix

A: Anticipated engagement

Appendix A

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2015 Bilateral Agreement – anticipated engagement between Department of Climate Change, Energy, the Environment and Water, and Department of Planning, Housing and Infrastructure (Amending Agreement No. 1 (2020))

Key Points	Anticipated engagement	EPBC Cost Recovery
Draft assessment requirements	No engagement anticipated	Stage 1 does not apply
Draft assessment documentations	Engagement anticipated	Stage 2 does not apply
Request for advice to the IESC	Engagement anticipated	
Draft Assessment Report and recommendation including conditions and offset requirements	Engagement anticipated	Stage 3 will apply
Associated tasks		
Project Management	Ad hoc meetings as required	

NOTE: The level of engagement anticipated under the assessment bilateral is specific to each proposal. This has been determined by the Department of Climate Change, Energy, the Environment and Water at the time of signature and may be subject to change.

EPBC Act Approval Process (Department of Climate Change, Energy, the Environment and Water)

Key Points	Engagement anticipated	EPBC Cost Recovery
Start EPBC Act (Statutory) decision clock	Day 1 – beginning on first business day after receipt of final Assessment Report	Stage 4 applies
Provide proposed EPBC Act decision to proponent and relevant Commonwealth Ministers	Within 20 business days (indicative) of Day 1	
Invite comment on conditions from proponent and relevant Commonwealth Ministers	Duration of 10 business days (Statutory)	
Make Final EPBC decision and notification	Within 30 business days (Statutory) of Day 1	