

# **Boggabri Coal Mine – Modification 8 (MP09\_0182-MOD8)**

**Amendment of Boggabri Coal Mine  
Modification Application**

## Document details and history

### Document details

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# 1.0 Introduction

Boggabri Coal Operations Pty Limited (BCOPL) operates the Boggabri Coal Mine (BCM) (**Figure 1**) on behalf of Idemitsu Australia Pty Ltd (IA) and its joint venture partners. BCM is owned by the following joint venture partners:

- IA via its subsidiary company, Boggabri Coal Pty Ltd (BCPL) – 80%;
- Chugoku Electric Power Australia Resources Pty Ltd – 10%; and
- NS Boggabri Pty Limited – 10%.

BCM is located approximately 15 km north-east of the township of Boggabri in the Northwest Region of New South Wales (NSW) and is located wholly within the Narrabri Local Government Area (LGA). BCM is an open cut coal mining operation which has operated since 2006. BCM operates in accordance with State Significant Development Approval (SSD) 09\_0182 which was originally granted under the former Part 3A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) on 18 July 2012. SSD 09\_0182 permits the production up to 8.6 million tonnes per annum (Mtpa) of Run of Mine (ROM) coal from site until the end of 2033.

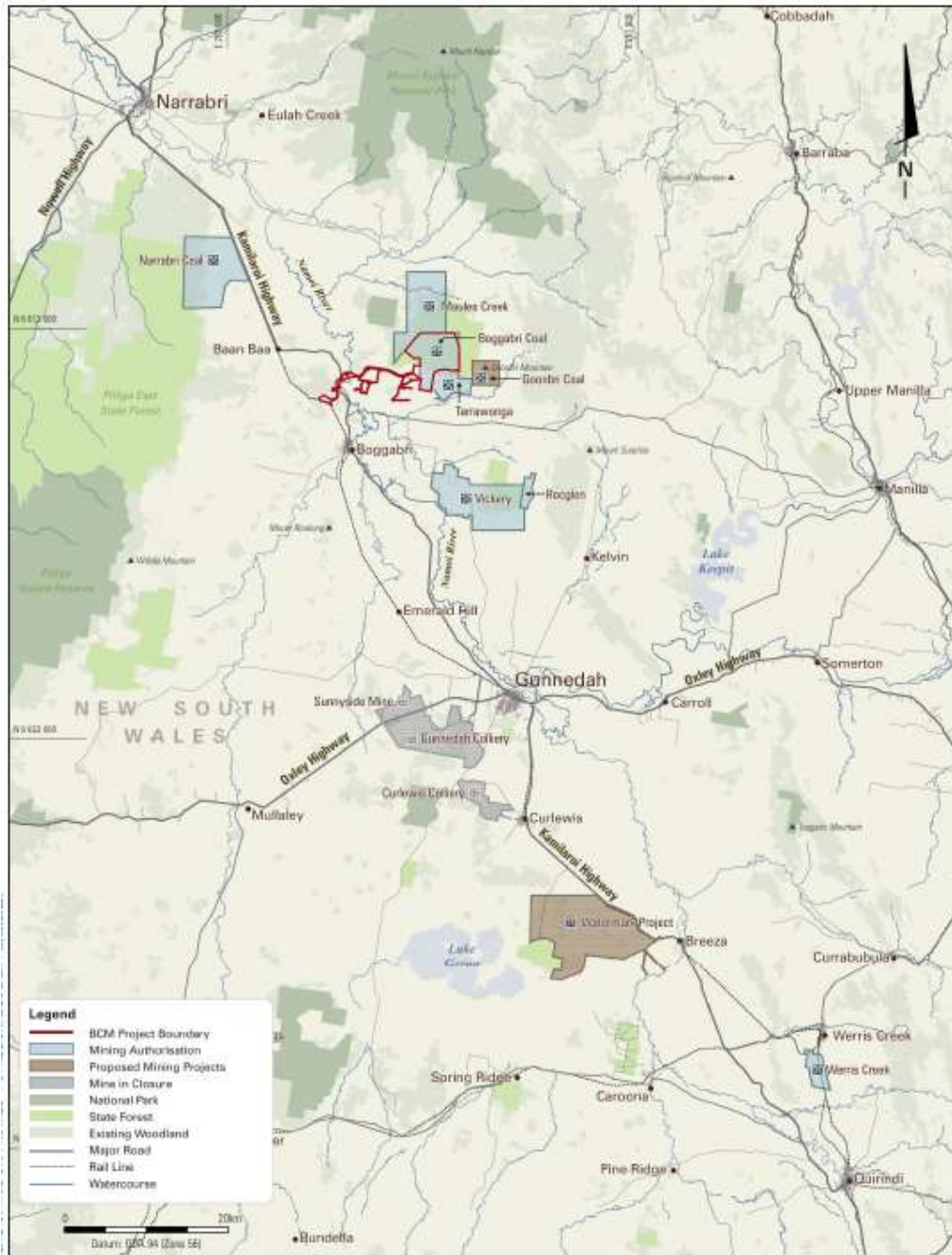
## 1.1 Modification 8

On 22 July 2022, BCOPL submitted the Boggabri Coal Mine Modification 8 to SSD 09\_0182 Modification Report (2021 Modification Report) (Hansen Bailey, 2021) in support of an application to modify SSD 09\_0182 under Section 4.55 of the EP&A Act. The Modification (**Figure 2**) being sought was to:

- increase the depth of approved mining operations to recover an additional coal resource; and
- to facilitate the construction of a fauna movement crossing (FMC) across the existing haul road to encourage the movement of fauna from the Leard State Forest through the mine rehabilitation areas (MOD 8).

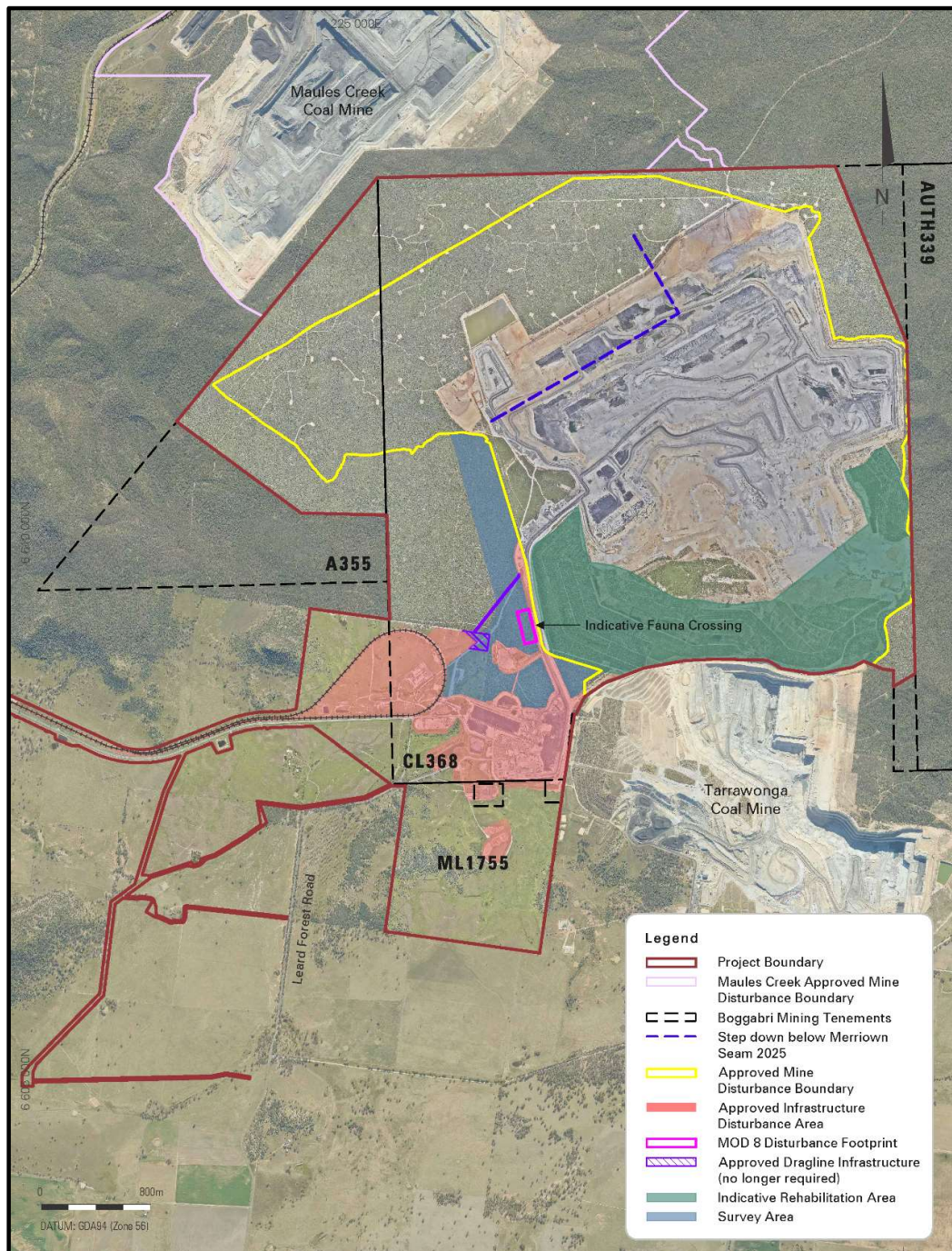
The 2021 Modification Report (Hansen Bailey, 2021) was put on public exhibition between 12/08/2021 and 9/09/2021. During this period, a total of 60 submissions were received from both government agencies and the general public. A Submissions Report for MOD 8 (MOD 8 Submissions Report) (JBA, 2022a) was prepared to respond to the issues raised in submissions received during the exhibition period.

Subsequent to the 2021 public exhibition of MOD 8, BCOPL decided to amend the mine plan for the MOD 8 Application as described and assessed within the 2021 Modification Report (Hansen Bailey, 2021). The mine plan for the MOD 8 Amendment proposes a reduced level of production and various other changes which is expected to result in an overall reduced environmental impact when compared with the previous MOD 8 mine plan described and assessed within the 2021 Modification Report (Hansen Bailey, 2021). No change to the FMC, as presented in the 2021 Public Exhibition, was proposed as part of the amendment.



**Figure 1: Regional Locality (JBA, 2022a)**





**Figure 2: MOD 8 Conceptual Project Layout (JBA, 2022b)**

BCOPL submitted an Amendment Report (JBA, 2022b) which described and assessed the potential environmental impacts of the proposed changes to MOD 8 (the MOD 8 Amendment) pursuant to Section 121B of the former *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Public exhibition for both the Submissions Report (JBA, 2022a) and the Amendment Report (JBA, 2022b), was between 16/12/2022 and 31/01/2023. From the 2022/23 Public Exhibition, a total of 23 submissions were received in relation to the Amendment Report (and Submissions Report).

## 1.2 Description of Amendment

A further amendment involves the removal of the FMC component from the MOD 8 application based on the following reasons:

- The original objective to include the FMC in MOD 8 was to seek approval for construction. This was based on pre-feasibility engineering design. From engagement with the Department of Planning Environment (the Department) and review of submissions received from both the 2021 and 2022/23 Public Exhibitions, it is apparent that the Department may not seek to approve the FMC based on this level of engineering design. While IA is fully committed to the completion of detailed design, it would only occur if the need and justification for final detailed design was required post MOD 8 approval.
- Based on submissions received from the 2023/2023 Public Exhibition, it is apparent, particularly from submission from Biodiversity Conservation and Science (BCS) Directorate, that additional assessment maybe required before approval. This will impact on MOD 8 delivery timeframe. This particularly relates to:
  - Addressing the potential impact from traffic increase on Leard State Forest Road due to BCM MOD 9, which intersects the entry to the proposed crossing. Noting MOD 9<sup>(1)</sup> was not a consideration when the July 2021 Modification was lodged or when the pre-feasibility design was undertaken; and
  - The current state and composition of vegetation within the rehabilitation site is unknown and has not been detailed in the MOD 8 application. Noting this information is available through the annual rehabilitation reporting, however not specifically tailored to MOD 8 requirements and additional assessment and reporting would need to occur before this was to be presented to the BCS.
- In addition, a number of further submissions were raised in relation to the FMC which may delay approval of MOD 8 application.

As the action seeking approval for the FMC is in isolation of the actions seeking approval for mining to deeper seams (below the Merriown) and proposed life of mine extension (three years), it is considered that removal of the FMC from MOD 8 application has no flow on impact to any technical assessment that was undertaken to assess the action of mining deeper and extension of life of mine by three years for the MOD 8 Amendment.

IA and BCOPL have considered this action extensively and has not taken this decision lightly. Based on the evolving nature of approvals required and the comments raised as part of MOD 8 Amendment application, it is believed that if the FMC was to proceed, a separate modification process is now more appropriate. It is not BCOPL's wish for MOD 8 approvals to be further delayed.

Based on a meeting with the Department (13/02/23) and BCOPL's subsequent formal request to further amend the MOD 8 application to remove the FMC from the project description, the Department agreed that the appropriate amendment pathway for the modification application would be under section 121B of the

repealed *Environmental Planning and Assessment Regulation 2000* (refer to **Appendix A**). As also stated in **Appendix A**, a new public exhibition for this proposed amendment would not be required.

This Amendment Report has been prepared with consideration of the requirements of the *State significant development guidelines – preparing an amendment report (Appendix D to the state significant development guidelines)* (DPE, 2022).

- (1) Boggabri Coal Mine MOD 9 Meeting Room Relocation & In Pit Rock Crushing. Approved 02/03/2023 ([MOD 9 - Meeting Room Relocation & In Pit Rock Crushing | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#)).



## 2.0 Fauna Movement Crossing

### 2.1 Background

As stated in the MOD 8 application (Hansen Bailey, 2021 and JBA, 2022a), a central aim of the BCM Biodiversity Offset Strategy (BOS) is the restoration and establishment of a network of regional and local wildlife corridors that provide linkages between important, large, isolated remnants within the region; specifically connecting the Namoi River floodplain with the Nandewar Range.

To improve the east-west regional biodiversity connectivity for fauna (such as arboreal animals, reptiles, birds and bats) through to mine rehabilitation areas, BCM proposed to construct a FMC over the haul road on the western side of the existing rehabilitation area (**Figure 3**). The ultimate design of the FMC would be determined during its detailed design process, post approval of MOD 8.

### 2.2 Assessment of Impacts

#### Ecology Impact Assessment

For the purposes of the impact assessments included within the Modification Report (Hansen Bailey, 2021) and to provide flexibility for the detailed design process, a MOD 8 Disturbance Footprint of 3.3 ha was assessed. The MOD 8 Disturbance Footprint was specifically located to avoid patches of vegetation identified within the MOD 8 Survey Area as the White Box – Yellow Box – Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands ecological community (Box Gum Woodland) which is listed as a Critically Endangered Ecological Community (CEEC) under the *Biodiversity Conservation Act 2016* (BC Act) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Existing concepts for the FMC infrastructure indicate that the additional disturbance outside of the approved disturbance area at BCM will be less than 1.21 ha.

Based on the MOD 8 application 2021 Public Exhibition, the Biodiversity Conservation and Science (BCS) Directorate of the (then) Department of Planning Industry and Environment raised a number of matters requiring further information to enable their assessment of the minor disturbance associated with the construction of the FMC over the existing haul road at BCM for MOD 8.

As part of the 2022 Submissions Report, WSP prepared a revised Biodiversity Development Assessment Report (BDAR) (WSP, 2022) to address the comments from BCS Directorate, including:

- Additional survey effort within the MOD 8 Disturbance Footprint;
- Further targeted Threatened Flora and Fauna searches;
- Certification of the BDAR; and
- Addressing the reporting requirements according to the Biodiversity Assessment Method 2020.

BCOPL also provided some additional information in relation to the proposed construction of the FMC over the existing haul road at BCM. Assessment findings were presented in the MOD 8 Submission Report (JBA, 2022a). It is important to note that the MOD 8 Amendment Report (JBA, 2022b) did not propose to change any aspect of the FMC, including the MOD 8 disturbance footprint previously described and assessed within the 2021 Modification Report (Hansen Bailey, 2021).

As the action seeking approval for the FMC is in isolation of the actions seeking approval for mining to deeper seams (below the Merriown) and the proposed life of mine extension (three years), it is considered that removal of the FMC from the MOD 8 application has no flow on impact to any technical assessment that was undertaken to assess the action of mining deeper and extension of life of mine by three years.

### Other Considerations

The MOD 8 application documentation (Hansen Bailey 2021, JBA 2022a) assessed other environmental considerations in relation to the FMC. These assessments were considered separately to the action of mining to deeper seams and proposed life of mine extension. A summary of key considerations is provided below.

#### Noise

The proposed construction of the FMC is unlikely to result in any noise exceedances (JBA, 2021 (page iii, s7.1.3 page 70)).

#### Air

The assessment of the limited construction activities associated with the establishment of the FMC found that it would not result in significant impacts to regional air quality and can be managed by utilising standard dust management practices (JBA, 2021 (page iii, s7.2.3, page 79)).

#### Aboriginal and Historic Heritage

No items of Aboriginal Cultural Heritage or Historic Heritage value were identified within the MOD 8 Disturbance footprint anticipated for the FMC and accordingly, no heritage constraints were identified to be present for MOD 8 (JBA, 2021 (page ix, s7.12.2 page 138)).

### Commonwealth EPBC2021/8875

In relation to the Commonwealth Government's consideration for the EPBC Act referral (reference EPBC2021/8875), no change is anticipated to the matter being assessed as part of the controlled action. This will be clarified with the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) through separate correspondence. The May 2021 decision in relation to EPBC2021/8875 indicated that the relevant controlling provision for the action was a water resource, in relation to coal seam gas development and large coal mining development (section 24D and 24E, EPBC Act).



**Figure 3: Indicative Fauna Movement Crossing (JBA, 2022a)**

## 3.0 Revised Modification Description

### 3.1 Changes based on withdrawal of the FMC

With the withdrawal of the FMC from the MOD 8 application, the MOD 8 project description largely remains the same as presented in the previous 2022 lodgement (JBA, 2022b).

No change is proposed to the following modification parameters (as presented in JBA, 2022b):

- An increase in the approved maximum depth of mining down to the Templemore Coal Seam (this stepdown has been scheduled to occur within year 2025);
- A three year mine life extension (until the end of 2036) is required for the MOD 8 Amendment;
- A recovery of an additional 28.1 Mt of ROM coal below the Merriown Coal;
- The currently approved extraction rate of 8.6 Mtpa of ROM coal will be maintained for the MOD 8 Amendment;
- An increase to peak workforce at BCM for the MOD 8 Amendment to 875 full time equivalent (FTE) employees; and
- Variations to the Conceptual Final Landform Design as described within both the Modification Report (Hansen Bailey, 2021) and the 2022 Modification Amendment Report (JBA 2022b).

Note that the MOD 8 Amendment (JBA, 2022b) did not propose to change any aspect of the FMC, including the MOD 8 Disturbance Footprint previously described and assessed within the 2021 Modification Report (Hansen Bailey 2021). The amendment to the MOD 8 project description will simply remove the FMC component (and associated disturbance) from the MOD 8 application.

### 3.2 Stakeholder engagement

Ongoing community and regulatory engagement will continue as part of the MOD 8 application process with both State and Commonwealth agencies and interested parties, as required.

It is proposed that direct consultation be undertaken with the BCS Directorate and key messages relating to the withdrawal of the FMC be directed to other interested parties as required.

While engagement with the Commonwealth Department is still required, the proposed removal of the FMC from the MOD 8 project description does not impact any assessment made in relation to the EPBC referral (EPBC2021/8875).



## 4.0 Conclusion

This Amendment Report describes the amendment to the MOD 8 project description to remove reference to the FMC for DPEs consideration over the MOD 8 application. In response to the 2022/23 Public Exhibition, the MOD 8 Amendment Submissions Report that is currently being finalised by James Bailey & Associates (Environmental and Planning Consultants), will document this amendment to remove the FMC from the MOD 8 application. The MOD8 Amendment Submissions Report will refer to the reasons for removing the FMC from the MOD 8 Application as provided within this Amendment Report and will seek to address comments raised in relation to the FMC, as approval is no longer being sought by this component of MOD 8.

With the removal of the FMC, the potential impact of MOD 8 application is significantly reduced to now only focus on potential environmental harm relating to actions within the approved Mine Disturbance Boundary. The removal of the FMC does not impact on any assessments or outcomes as presented for the modification to SSD 09\_0182 to mine deeper and extend the life of mine as presented in the MOD 8 Amendment Report (JBA, 2022b).

IA believe that the removal of the FMC demonstrates a reduction in parameters from that previously assessed within the Modification Application (MP09\_0182-Mod-8) for both the July 2021 application lodgement (Hansen Bailey, 2021) and the November 2022 Amended Report lodgement (JBA, 2022b).

With the removal of the FMC and a significant reduction in potential impact of the MOD 8 application, BCOPL believe that there is no requirement for further public exhibition, based on:

- The FMC was proposed as a separate component to the other actions being assessed as part of the MOD 8 application. The MOD 8 application has already undergone two separate Public Exhibitions.
- Removal of FMC from the MOD 8 amendment application further reduces any potential environmental impact.
- Removal of the FMC results in all actions seeking approval to now be within the approved Mine Disturbance Boundary.
- While engagement with the Commonwealth Department will still be required, the removal of the FMC from the MOD 8 application does not impact any assessment made in relation to the EPBC Act referral (EPBC2021/8875).
- This approach for no further public exhibition is further supported in correspondence received by the Department (refer to **Appendix A**).

IA and BCOPL have considered this action extensively and has not taken this decision lightly. Based on the evolving nature of approvals required and the comments raised as part of MOD 8 Amendment application, it is believed that if the FMC was to proceed, a separate modification process is now more appropriate. It is not IA's wish for MOD 8 approvals to be further held up.

Based on feedback provided by the Department, BCOPL commit to engage with the relevant stakeholders to inform them of this decision before finalisation of MOD 8 application.



## 5.0 References

DPE, 2022: State Significant Development Guidelines – Preparing an Amendment Report Appendix D to the State Significant Development Guidelines. Department of Planning and Environment. October 2022.

Hansen Bailey (2021). Boggabri Coal Mine Modification 8 to SSD 09\_0182 Modification Report prepared for Boggabri Coal Operations Pty Limited.

James Bailey & Associates (JBA) (2022a). Boggabri Coal Mine Modification 8 to SSD 09\_0182 Submissions Report prepared for Boggabri Coal Operations Pty Limited.

James Bailey & Associates (JBA) (2022b). Boggabri Coal Mine Modification 8 Amendment Report prepared for Boggabri Coal Operations Pty Limited.

# **Appendix A**

**Department of Planning and Environment  
Correspondence**



Department of Planning and Environment

Mr Shane Wright  
Executive General Manager - Operations and Development  
Boggabri Coal Pty Limited

28 February 2023

Dear Mr Wright

**Boggabri Coal Mine - Extension-8 (MP09\_0182-Mod-8)  
Request for Amendment of Boggabri Coal Mine Modification Application**

I refer to your request to amend the proposed Boggabri Coal Mine modification application submitted on 14 February 2023.

The Department can confirm that the appropriate amendment pathway for the modification application would be under section 121B of the repealed *Environmental Planning and Assessment Regulation 2000* (EP&A Reg 2000). As the application was submitted before 1 March 2022, the new *Environmental Planning and Assessment Regulation 2021* savings and transitional provisions apply.

The Department has reviewed the amendment request and is generally satisfied with the proposed removal of the fauna movement crossing from the proposed modification of project approval MP09\_0182. The Department will issue a formal acceptance of the amendment when the Amendment Report is lodged. The Amendment Report should:

- include a revised project description
- identify changes in impacts identified by the Modification Report compared to the Amendment Report
- outline any further stakeholder consultation undertaken for the proposed amendment (if any)

The Department does not require a response to the comments relating to the fauna movement crossing in the Submissions Report for the November 2022 Amendment Report. However, the Submissions Report should identify the relevant stakeholders who commented on the fauna movement crossing and provide justification for the removal of the fauna movement crossing from the proposed modification.

The Department will not require a new public exhibition for the proposed amendment as the removal of the proposed fauna movement crossing reduces the potential environmental impact of the proposed modification to project approval MP09\_0182.

If you have any questions, please contact Rose-Anne Hawkeswood on at [rose-anne.hawkeswood@planning.nsw.gov.au](mailto:rose-anne.hawkeswood@planning.nsw.gov.au)

Yours sincerely

**Stephen O'Donoghue**  
Director Resource Assessments