

# Notice of decision – Boggabri Coal Mine (MP09\_0182-Mod-8)

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development modification
<b>Application number and project name</b>	MP09_0182-Mod-8 Boggabri Coal Mine Modification 8
<b>Applicant</b>	Boggabri Coal Pty Limited
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Deputy Secretary Development Assessment and Infrastructure under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the Departments assessment report, instrument of modification and a consolidated version of the conditions is available at <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-8-increase-depth-mining>

### Date of decision

22 January 2024

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report;
- the advice received from government agencies concerning the modification;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent (as last modified under section 75W).

The key reasons for granting the modification are as follows:

- the modification would provide a range of benefits for the region and the State as a whole, including royalty payments and taxes, continued employment for around 740 full time equivalent workers;
- the modification is permissible with consent, and is consistent with NSW Government policies;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent;
- weighing all relevant considerations, the modification is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the modification from Thursday 12 August 2021 to Thursday 9 September 2021 and the first amendment report was exhibited from Wednesday 14 December 2022 to Tuesday 31 January 2023. The Department received 49 submissions on the modification report, including 45 objections and 16 submissions on the first amendment report, including 14 objections.

The Department also made the recommendation documents, including the assessment report and draft instrument, available on the Major Projects website prior to determination. Lock the Gate and Maules Creek Community Council Inc provided comments on the Department’s recommendation, which were also considered prior to making a determination.

The key issues raised in the community submissions and considered in the Department’s assessment report and by the decision maker include greenhouse gas emissions and impacts on water resources, biodiversity and social aspects.

<i>Issue</i>	<i>Consideration</i>
<i>Greenhouse gas (GHG) emissions</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The modification would increase Scope 1 and 2 emissions by around 0.86 million tonnes of carbon dioxide equivalent (CO<sub>2</sub>-e), and Scope 3 emissions would produce around 61.73 Mt CO<sub>2</sub>-e.</li> <li>• The Department considered the impacts of GHG emissions on climate change and the relevant NSW and Commonwealth policy settings in regard to these emissions, including the <i>Climate Change (Net Zero Future) Act 2023 (Net Zero Future Act)</i>, which commenced on 11 December 2023.</li> <li>• The Net Zero Future Act aims to give effect to the international commitments established in the 2015 Paris Agreement to hold global average temperatures to below 2° Celsius (C) above pre-industrial levels, to pursue efforts to limit temperature increases to 1.5° C, and to increase the ability to adapt to the adverse impacts of climate change. It formalises emissions reduction targets for reducing emissions and establishes guiding principles for action to address climate change.</li> <li>• These principles include that action to address climate change should be taken as early as possible to minimise the cost and adverse impacts of climate change on communities, human health, animals and the survival of all species; and that action to address climate change should take into account a range of matters, including the amenity, economic and employment impacts on local communities, and the need to ensure essential infrastructure is provided.</li> <li>• The NSW Government’s <i>Strategic Statement on Coal Exploration and Mining in NSW</i> recognises there will still be a need for coal to meet society’s basic energy requirements and for steel manufacturing for the foreseeable future, and the modification would extend the socio-economic benefits associated with the operation for a further 3 years, within minimal impacts on amenity.</li> <li>• The estimated million tonnes of represent around 0.06% of Australia’s emissions and 0.21% of NSW’s annual emissions, and have already been included in the forecast modelling against NSW’s emissions reduction targets, while scope 3 emissions from the combustion of the coal would be accounted for in facility combusting the coal.</li> <li>• Boggabri Coal is already required to minimise GHG emissions, and the Department has included a condition requiring the company to describe how GHG emissions would be minimised as part of the Air Quality and Greenhouse Gas Management Plan for the mine.</li> <li>• Boggabri Coal would also be required to comply with the requirements of the Commonwealth Safeguard Mechanism, including any requirements to reduce emissions intensity over time. Management and minimisation of GHG emissions would be further strengthened through the regulatory changes being implemented by the EPA through its Climate Change Action Plan and the Commonwealth Government through the Safeguard Mechanism reforms.</li> <li>• Overall the Department considers the modification is consistent with current NSW and Commonwealth policy settings in regard to GHG emissions.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• The Air Quality and Greenhouse Gas Management must be revised to include a description of measures to reduce GHG emission.</li> </ul>
<i>Groundwater</i>	<i>Assessment</i>

<i>Issue</i>	<i>Consideration</i>
	<ul style="list-style-type: none"> <li>● Pit groundwater inflows were modelled and whilst an increase is predicted, Boggabri Coal holds sufficient groundwater entitlement for this increased take.</li> <li>● Increased groundwater inflow and drawdown in all coal seams would also increase, however only one privately owned bore is predicted to be impacted and Boggabri Coal proposes to monitor groundwater levels at this bore to ensure that 'make good' provisions are applied if there is more than a negligible impact.</li> <li>● No significant impacts on the woodland are predicted, as the incremental drawdown caused by the project would increase by a maximum of 0.3 metres. Boggabri Coal also proposes to install additional groundwater monitoring bores in the Nagero Creek alluvium to monitor potential changes during mining operations.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>● Additional monitoring and reporting requirements have been inserted into the consent.</li> </ul>
<i>Surface water</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>● Surface water impacts would continue to be managed by the existing water management system, which would have sufficient capacity to accommodate the proposed modification.</li> <li>● Discharges from the site would continue to be regulated by the EPA through the environment protection licence.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>● Additional monitoring and reporting requirements have been inserted into the consent.</li> </ul>
<i>Rehabilitation and final landform</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>● The modification would result in an increase to the overburden emplacement area, with undulating surfaces that would ensure most run-off is managed in the highest areas of the landform, reducing potential for uncontrolled discharges and erosion of outer slopes while vegetation cover is being established.</li> <li>● Narrabri Shire Council also indicated its support for integrating the final landform with the adjoining Tarrawonga Coal Mine.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>● The consent has been updated to include the revised final landform figure and the target vegetation types for the final landform.</li> </ul>
<i>Social</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>● A social impact assessment was undertaken for the modification, with key areas of concern from the community being identified as impacts to water, amenity and housing, along with cumulative mining impacts.</li> <li>● Changes to water and amenity impacts would be relatively minor, however the impacts would last for an additional three years.</li> <li>● A Social Impact Management Plan is also in place and includes measures to mitigate the social impacts of the project and is required to be reviewed and updated every three years.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>● No changes to conditions.</li> </ul>