

# Maules Creek Continuation Project

Environmental Impact Statement

Attachment 1

Secretary's Environmental Assessment Requirements



**Table A1-1**  
**NSW Planning’s Secretary’s Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<b>General Requirements</b>	
<i>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation) and must have regard to the State Significant Development Guidelines.</i>	This EIS and Table A6-1 of Attachment 6
<i>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</i>	Appendix Q
<i>In particular, the EIS must include:</i>	Executive Summary
- <i>a stand alone executive summary;</i>	
- <i>a full description of the development, including:</i>	Sections 1.3 and 1.4
o <i>details of historical mining operations at the mine complex and in the surrounding region;</i>	
o <i>details of the resource to be extracted and justification for the proposed mine design;</i>	Sections 3.3 and 3.8
o <i>the mine layout and likely staging or sequencing of the development, including construction, exploration, operation and rehabilitation;</i>	Section 3 and Attachment 7
o <i>coal production rates (ROM and product) and a life of mine production schedule;</i>	Section 3.8
o <i>forecast production tonnages split into market segment, including export/domestic and thermal/metallurgical coal markets;</i>	Section 3.8 and Appendix J
o <i>coal processing and transportation arrangements, and surface infrastructure and facilities;</i>	Section 3.9 and 3.14
o <i>workforce requirements during all phases of the development (on a full-time equivalent basis);</i>	Section 3.17 and Appendices E and K
o <i>the likely interactions between the development and any other historical, existing, approved or proposed mining or infrastructure projects in the vicinity of the site;</i>	Sections 1.4 and 2.8
- <i>the statutory context for the development including any approvals that must be obtained before the development may commence;</i>	Section 4 and Attachment 6
- <i>an assessment of the likely impacts of the development on the environment focusing on the specific issues identified below, including:</i>	Section 6 and Appendices A to R
o <i>a description of the existing environment likely to be affected by the development, using sufficient baseline data;</i>	
o <i>an assessment of the likely impacts of all stages of the development, including appropriate worst-case scenarios, consideration of any cumulative impacts, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice and with consideration of advice provided by agencies;</i>	
o <i>a description of the measures that would be implemented to avoid, mitigate and/or offset the likely impacts of the development, and an assessment of:</i>	Section 6, Attachment 8, and Appendices A to R
▪ <i>whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;</i>	
▪ <i>the likely effectiveness of these measures, including performance measures where relevant;</i>	
▪ <i>whether contingency plans would be necessary to manage any residual risks; and</i>	
▪ <i>a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;</i>	
- <i>a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;</i>	Attachment 8

**Table A1-1 (continued)**  
**NSW Planning's Secretary's Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<ul style="list-style-type: none"> <li>- <i>an evaluation of the development as a whole having regard to:</i> <ul style="list-style-type: none"> <li>o <i>relevant matters for consideration under the Environmental Planning and Assessment Act 1979, including the principles of Ecologically Sustainable development and the objects of the Act;</i></li> </ul> </li> </ul>	Sections 4 and 7 and Attachment 6
<ul style="list-style-type: none"> <li>o <i>the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses;</i></li> </ul>	Sections 2 and 7
<ul style="list-style-type: none"> <li>o <i>the strategic need and justification for the development;</i></li> </ul>	Sections 2 and 7
<ul style="list-style-type: none"> <li>o <i>feasible alternatives to the development (and its key components), including the consequences of not carrying out the development; and</i></li> </ul>	Sections 2.1 and 7.2
<ul style="list-style-type: none"> <li>o <i>the biophysical, economic and social costs and benefits of the development; and</i></li> </ul>	Sections 6.17, 6.18, and 7 and Appendices E and K
<ul style="list-style-type: none"> <li>- <i>a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.</i></li> </ul>	Provided with the EIS
<p><i>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</i></p>	Section 6, Attachment 8, and Appendices A to R
<ul style="list-style-type: none"> <li>- <i>adequate baseline data</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); and</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</i></li> </ul>	
<p><i>The EIS must also be accompanied by a Quantity Surveyor Report for Capital Investment Value and Employment, providing:</i></p>	Attachment 9
<ul style="list-style-type: none"> <li>- <i>a detailed calculation of the estimated capital investment value (CIV) of the development, prepared by a AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor in accordance with Planning Circular PS 21-020: Calculation of capital investment value. The calculation of the estimated CIV is to be accurate at the date of application and include details of all components and assumptions from which it is derived.</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>an estimate of the retained and new jobs that would be created during the construction and operational phases, including details of the methodology to determine the figures provided.</i></li> </ul>	Section 3.17
<b>Key Issues</b>	
<p>1. <i>Statutory and Strategic Context</i></p>	Sections 2 and 4 and Attachments 5 and 6
<ul style="list-style-type: none"> <li>• <i>The statutory provisions applying to the development in all relevant environmental planning instruments, including:</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Planning Systems) 2021;</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Resources and Energy) 2021;</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Transport and Infrastructure) 2021; and</i></li> </ul>	
<ul style="list-style-type: none"> <li>- <i>Narrabri Local Environment Plan 2012</i></li> </ul>	

**Table A1-1 (continued)**  
**NSW Planning’s Secretary’s Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<p>2. <i>Water Resources</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely impacts of the development on the quantity and quality of surface and groundwater resources, having regard to the NSW Aquifer Interference Policy</i></li> </ul>	<p>Sections 6.4 and 6.5 and Appendices A and B</p>
<ul style="list-style-type: none"> <li><i>An assessment of the hydrological characteristics of the site and downstream.</i></li> </ul>	<p>Appendices B and D</p>
<ul style="list-style-type: none"> <li><i>An assessment of the likely impacts of the development on aquifers, watercourses, riparian land, groundwater dependent ecosystems, water-related infrastructure, basic landholder rights and other water users.</i></li> </ul>	<p>Appendices A, B, C and D</p>
<ul style="list-style-type: none"> <li><i>An assessment of post-mining groundwater recovery and the potential long-term impacts on water quality and quantity.</i></li> </ul>	<p>Appendix A</p>
<ul style="list-style-type: none"> <li><i>A detailed site water balance, including a description of site water demands, water disposal methods (including the location, volume and frequency of any water discharges and management of discharge (water quality), water supply and transfer infrastructure and water storage structures, including an assessment of the reliability of water supply, including consideration of a range of climatic conditions and climate change projections.</i></li> </ul>	<p>Appendix B</p>
<ul style="list-style-type: none"> <li><i>An assessment of all water take for the life of the development and post-closure, including water taken directly and indirectly and itemised to quantify the contributions from each water source.</i></li> </ul>	<p>Appendices A and B</p>
<ul style="list-style-type: none"> <li><i>Identification of an adequate and secure authorised water supply for the life of the development and any licensing requirements other approvals under the Water Act 1912 and/or Water Management Act 2000, including a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant water sharing plan or water source embargo, or any alternative mechanisms agreed following consultation with relevant NSW government agencies/ statutory authorities.</i></li> </ul>	
<ul style="list-style-type: none"> <li><i>A detailed description of the proposed water management system, water monitoring program and measures to mitigate surface and groundwater impacts.</i></li> </ul>	<p>Sections 6.4 and 6.5 and Appendices A and B</p>
<ul style="list-style-type: none"> <li><i>An assessment of the potential flooding impacts of the development.</i></li> </ul>	<p>Appendix B</p>
<p>3. <i>Air Quality</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely air quality impacts of the development, including cumulative impacts from nearby developments, in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016) (or its latest version) and having regard to the NSW Government’s Voluntary Land Acquisition and Mitigation Policy.</i></li> </ul>	<p>Section 6.10 and Appendix I</p>
<ul style="list-style-type: none"> <li><i>The ability to comply with the relevant regulatory framework, specifically the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2010</i></li> </ul>	<p>Appendix I</p>
<ul style="list-style-type: none"> <li><i>An assessment of the likely greenhouse gas impacts of the development including consideration of current NSW and Commonwealth climate change policy settings, programs and guidelines.</i></li> </ul>	<p>Section 6.11 and Appendix J</p>
<ul style="list-style-type: none"> <li><i>A greenhouse gas mitigation plan and climate change adaptation plan.</i></li> </ul>	<p>Appendix B of Appendix J</p>

**Table A1-1 (continued)**  
**NSW Planning's Secretary's Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<p>4. <i>Noise and Blasting</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely construction, operational traffic noise impacts of the development, in accordance with the Construction Noise Guideline (if finalised) or the Interim Construction Noise Guideline, the NSW Noise Policy for Industry (EPA) and the NSW Road Noise Policy, and having regard to the Voluntary Land Acquisition and Mitigation Policy.</i></li> </ul>	<p>Sections 6.8 and 6.9 and Appendix H</p>
<ul style="list-style-type: none"> <li><i>An assessment of the likely blasting impacts of the development on people, animals, buildings/structures and infrastructure, and significant natural features, having regard to the relevant ANZECC guidelines.</i></li> </ul>	<p>Section 6.9 and Appendices C and H</p>
<p>5. <i>Heritage</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely Aboriginal heritage (cultural and archaeological) impacts of the development, in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), including the significance of cultural heritage values for Aboriginal people who have a cultural association with the land and adequate consultation having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).</i></li> </ul>	<p>Sections 6.12 and Appendix F</p>
<ul style="list-style-type: none"> <li><i>An assessment of the likely non-Aboriginal heritage impacts of development.</i></li> </ul>	<p>Section 6.13 and Appendix G</p>
<p>6. <i>Land and Soil</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely impacts of the development on the soils and land capability of the site and surrounds.</i></li> </ul>	<p>Section 6.14 and Appendix O</p>
<ul style="list-style-type: none"> <li><i>The compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements of Clause 2.17 of State Environmental Planning Policy (Resources and Energy) 2021, paying particular attention to the agricultural land use in the region and of any land use conflicts.</i></li> </ul>	<p>Sections 4, 6.2 and 6.14, Attachment 6, and Appendices L and O</p>
<ul style="list-style-type: none"> <li><i>Any potential land contamination consistent with the requirements of Chapter 4, Remediation of Land of the State Environmental Planning Policy (Resilience and Hazards) 2021.</i></li> </ul>	<p>Appendix L</p>
<p>7. <i>Traffic and Transport</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely transport impacts of the development on the capacity, condition, safety and efficiency of the surrounding transport network, including cumulative impacts (considering other mining developments in the locality).</i></li> </ul>	<p>Section 6.15 and Appendix N</p>
<ul style="list-style-type: none"> <li><i>A description of the measures that would be implemented to mitigate and/or manage any impacts, including any proposed road and rail upgrades, road and rail maintenance contributions, and other traffic control measures developed in consultation with the relevant road and rail authorities.</i></li> </ul>	<p>Section 6.15, Attachment 8, and Appendix N</p>
<p>8. <i>Visual</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the likely visual impacts of the development from key public and private vantage points.</i></li> </ul>	<p>Section 6.16 and Appendix M</p>
<ul style="list-style-type: none"> <li><i>An assessment of the lighting impacts of the development on local receivers and on the Siding Spring Observatory in accordance with the Dark Sky Planning Guideline, including measures to minimise lighting impacts.</i></li> </ul>	<p>Section 6.16 and Appendix M</p>
<p>9. <i>Social</i></p> <ul style="list-style-type: none"> <li><i>An assessment of the social impacts of the prepared in accordance with the Social Impact Assessment Guideline for State Significant Projects (2021) and the likely impacts on the local community and community infrastructures (including consideration of cumulative impacts from other major projects in the area).</i></li> </ul>	<p>Section 6.18 and Appendix E</p>

**Table A1-1 (continued)**  
**NSW Planning’s Secretary’s Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<p>10. <i>Economic</i></p> <ul style="list-style-type: none"> <li>• <i>A detailed assessment of the likely economic impacts of the development in accordance with the Guidelines for the economic assessment of mining and coal seam gas proposals 2015, paying particular attention to:</i> <ul style="list-style-type: none"> <li>- <i>the costs and benefits of the development;</i></li> <li>- <i>identifying whether the development as a whole would result in a net benefit to NSW and the region, including consideration of fluctuations in commodity markets and exchange rates; and</i></li> <li>- <i>the demand for the provision of local infrastructure and services.</i></li> </ul> </li> </ul>	<p>Section 6.17 and Appendix K</p>
<p>11. <i>Rehabilitation and Final Landform</i></p> <ul style="list-style-type: none"> <li>• <i>A rehabilitation strategy, providing a detailed overview of the final land-use and final landform, rehabilitation objectives (including how the rehabilitation of the development will relate to the rehabilitation strategies of the existing mine complex and neighboring mines) and closure criteria for the development, including the conceptual final landform design.</i></li> </ul>	<p>Sections 3.13 and 3.18 and Attachment 7</p>
<ul style="list-style-type: none"> <li>• <i>Identify and include a discussion of opportunities to improve rehabilitation and environmental outcomes for existing disturbed areas within the development site, and barriers or limitations to effective rehabilitation</i></li> </ul>	<p>Attachment 7</p>
<p>12. <i>Hazards and Bushfire</i></p> <ul style="list-style-type: none"> <li>• <i>An assessment of the likely risks to public safety, paying particular attention to potential bushfire risks, interactions with nearby prescribed dams and the handling and use of any dangerous goods.</i></li> </ul>	<p>Sections 6.19 and Appendix R</p>
<ul style="list-style-type: none"> <li>• <i>Details of proposed methods of storage and management of chemicals, including consideration of any infrastructure required to prevent spills and leaks.</i></li> </ul>	<p>Appendix R</p>
<ul style="list-style-type: none"> <li>• <i>A preliminary risk screening in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and a Preliminary Hazard Analysis (PHA) prepared in accordance with the Department’s Hazardous Industry Planning Advisory Paper No. 6, ‘Hazard Analysis’ and Multi-Level Risk Assessment if the development is “potentially hazardous”.</i></li> </ul>	<p>Appendix R</p>
<p>13. <i>Waste</i></p> <ul style="list-style-type: none"> <li>• <i>The identification, quantification and classification of the waste streams likely to be generated (including tailings, course rejects and waste tyres) during construction and operation and measures that would be implemented to minimise, manage, store or dispose of these waste streams.</i></li> </ul>	<p>Sections 3.10, 3.11, and 3.15</p>
<p>14. <i>Cumulative</i></p> <p><i>A detailed assessment of the cumulative impacts of the development with other existing and approved mining projects in the locality, with a particular focus on air quality, noise, traffic and social impacts, as well as impacts on water resources and agriculture</i></p>	<p>Sections 2.8 and 6, Attachment 8, and Appendices A to R</p>
<p><b>Plans and Documents</b></p>	
<p><i>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Part 8 of the Regulation. Provide these as part of the EIS rather than as separate documents.</i></p>	<p>Provided within the EIS</p>
<p><i>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</i></p>	<p>Provided within the EIS</p>

**Table A1-1 (continued)**  
**NSW Planning's Secretary's Environmental Assessment Requirements – Reference Summary**

Summary of EIS Requirements	EIS Reference
<b>Engagement</b>	
<i>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</i>	Section 5 and Attachment 10
<i>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the Undertaking Engagement Guidelines for State Significant Projects. The EIS must also describe and the issues raised during the consultation process (including by the existing Maules Creek Community Consultative Committee) and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</i>	

**Table A1-2  
 Supplementary NSW Planning's Secretary's Environmental Assessment Requirements**

Summary of EIS Requirements	EIS Reference
<b>Introduction</b>	
1. On 28 February 2025, a delegate of the Commonwealth Minister for the Environment and Water (Commonwealth Minister) determined that the Maules Creek Continuation Project (project) was a controlled action under section 75 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act controlling provision for the proposed action are:	Section 6 and Appendices A to R
a) listed threatened species and communities (sections 18 and 18A); and b) a water resource in relation to unconventional gas development and large coal mining development (sections 24D and 24E).	
2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and therefore must be assessed in the manner specified in Schedule 1 to that agreement. The assessment documentation must include:	Section 6 and Appendices A to R
a) an assessment of all impacts that the action is likely to have on each matter protected by a provision of Part 3 of the EPBC Act;	This EIS
b) enough information about the proposal and its relevant impacts to allow the Commonwealth Minister to make an informed decision on whether or not to approve; and	
c) information addressing the matters outlined in Schedule 4 of the Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations).	Section 4 and Attachment 6 Attachment 3 of the MCCP EPBC Referral <sup>1</sup>
3. The Applicant must undertake an assessment of all protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Minister considers that the proposed action is likely to have a significant impact on the following listed threatened species and communities (sections 18 and 18A):	Section 6.3 and Appendix D
<ul style="list-style-type: none"> <li>• White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered.</li> <li>• Swift Parrot (<i>Lathamus discolor</i>) – critically endangered</li> </ul>	
4. Based on the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW)'s Environment Reporting Tool and information provided by the Species Profiles and Threats Database, DCCEEW also considers that the proposed action may result in impacts to the following species:	Section 6.3 and Appendix D
a) Poplar Box Grassy Woodland on Alluvial Plains – endangered	
b) Koala (combined populations of Queensland, NSW and the Australian Capital Territory) ( <i>Phascolarctos cinereus</i> ) – endangered	
c) Large-eared pied bat ( <i>Chalinolobus dwyeri</i> ) – endangered	
d) Corben's long-eared bat ( <i>Nyctophilus corbeni</i> ) – vulnerable	
e) Brown treecreeper (south-eastern) ( <i>Climacteris picumnus victoricae</i> ) – vulnerable	
f) Regent honeyeater ( <i>Anthochaera phrygia</i> ) – critically endangered	
g) Painted honeyeater ( <i>Grantiella picta</i> ) – vulnerable	
h) South-eastern glossy black-cockatoo ( <i>Calyptorhynchus lathami lathami</i> ) – vulnerable	
i) South-eastern hooded robin ( <i>Melanodryas cucullata cucullata</i> ) – endangered	
j) Diamond firetail ( <i>Stagonopleura guttata</i> ) – vulnerable	

<sup>1</sup> [MCCP EPBC Referral Compliance Summary as at July 2024](#)

**Table A1-2 (Continued)**  
**Supplementary NSW Planning's Secretary's Environmental Assessment Requirements**

Summary of EIS Requirements	EIS Reference
k) <i>Southern whiteface (Aphelocephala leucopsis)</i> – vulnerable	Section 6.3 and Appendix D
l) <i>Vincetoxicum forsteri</i> (syn. <i>Tylophora linearis</i> ) – endangered	
m) <i>Blue grass (Dicanthium setosum)</i> – vulnerable	
<i>These species require further assessment, surveys, and analysis to determine whether they are likely to be significantly impacted.</i>	
5. <i>The Commonwealth Minister also considers that the proposed action is likely to have a significant impact on a water resource in relation to large coal mining development (sections 24D and 24E), as the proposed action is likely to cause changes to surface and groundwater hydrology, surface water quality, and groundwater quality.</i>	Sections 6.4 and 6.5 and Appendices A and B
6. <i>The Applicant must consider each of the protected matters under the triggered controlling provision that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the Applicant to undertake an analysis of the significance of the relevant impacts and ensure that all protected matters that are likely to be significantly impacted are assessed for the Commonwealth Minister's consideration.</i>	Sections 6.3, 6.4, 6.5, 6.6, 6.17, and 6.18, and Appendices A, B, C, D, E, and K
<b>General requirements</b>	
<i>Relevant Regulations</i>	
7. <i>The Environmental Impact Statement (EIS) must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.</i>	Section 4 and Attachment 6
<i>Project Description</i>	
8. <i>The title of the action, background to the action of the action and current status.</i>	Section 1.2
9. <i>The location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on matters of national environment significance (MNES).</i>	Sections 3, 6.3, 6.4 and 6.5 and Appendices A, B and C
10. <i>How the action relates to any other actions that have been or are being taken in the region affected by the action.</i>	Sections 1.4, 2.8 and 7.1
11. <i>How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.</i>	Sections 3
<i>Impacts</i>	
12. <i>The EIS must include an assessment of the relevant impacts<sup>1</sup> of the action on the matters protected by the controlling provisions, including:</i>	Section 6 and Appendices A to R
a) <i>a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;</i>	
b) <i>a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;</i>	
c) <i>analysis of the significance of the relevant impacts; and</i>	
d) <i>any technical data and other information used or needed to make a detailed assessment of the relevant impacts.</i>	

**Table A1-2 (Continued)**  
**Supplementary NSW Planning's Secretary's Environmental Assessment Requirements**

Summary of EIS Requirements	EIS Reference
<i>Avoidance, mitigation and offsetting</i>	
<p>13. For each of the relevant protected matters that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:</p> <p>a) a description, and an assessment of the expected or predicted effectiveness of the mitigation measures;</p>	Section 6, Attachment 8, and Appendices A to R
<p>b) any statutory policy basis for the mitigation measures;</p>	Section 4, Attachments 6 and 8, and Appendices A to R
<p>c) the cost of the mitigation measures;</p>	Section 6.18 and Appendix K
<p>d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; and</p>	Section 6, Attachment 8, and Appendices A to R
<p>e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.</p>	Sections 2 and 6 and Appendices A to R
<p>14. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.</p>	Section 6.3 and Appendix C
<p>15. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:</p> <p>a) conservation advice or recovery plan for the species or community;</p>	Section 6.3 and Appendix C
<p>b) relevant threat abatement plan for a process that threatens the species or community;</p>	
<p>c) wildlife conservation plan for the species; and</p>	
<p>d) any strategic assessment.</p>	
<p>16. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraph 17.</p>	Sections 6.3, 6.4, 6.5, 6.6 and 6.7 and Appendices A, B, C and D
<b>Specific risks</b>	
<p>17. Key risks associated with the proposed action from the Commonwealth perspective include:</p> <p>a) likely and potential direct and indirect impacts to EPBC listed threatened species and ecological communities resulting from the clearing; and</p>	Sections 6.3, 6.6 and 6.7 and Appendices C and D
<p>b) impacts on water resources, including surface and groundwater hydrology, surface water quality, and groundwater quality.</p>	Sections 6.4 and 6.5 and Appendices A and B
<b>Other approvals and conditions</b>	
<p>18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations.</p>	Sections 2 and 4 and Attachments 5 and 6
<b>Information sources</b>	
<p>19. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.</p>	Throughout this EIS

**Table A1-2 (Continued)**  
**Supplementary NSW Planning’s Secretary’s Environmental Assessment Requirements**

Summary of EIS Requirements	EIS Reference
<b>References and guidelines</b>	
20. <i>The international conventions, management plans and principles that must be considered in relation to this proposal include:</i>	Sections 6.3, 6.6 and 6.7 and Appendices C and D
a) <i>Listed threatened species or ecological community:</i>	
i. <i>Australia’s obligations under the:</i>	
<ul style="list-style-type: none"> <li>• <i>Convention on Biological Diversity (Biodiversity Convention);</i></li> </ul>	
<ul style="list-style-type: none"> <li>• <i>Convention on Conservation of Nature in the South Pacific (Apia Convention);</i></li> </ul>	
<ul style="list-style-type: none"> <li>• <i>the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); or</i></li> </ul>	
ii. <i>a recovery plan or threat abatement plan.</i>	Section 6.3 and Appendix C
21. <i>The policies and plans that must be considered in relation to this proposal include</i>	
a) <i>Relevant conservation advice and other relevant policies available on Commonwealth DCCEEW Species Profiles and Threats Database.</i>	
b) <i>Bioregional plans</i>	
c) <i>Relevant strategic assessment reports.</i>	

## Planning Secretary's Environmental Assessment Requirements

### Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*

### Part 8 of the *Environmental Planning and Assessment Regulation 2021*

<b>Application Number</b>	SSD-63428218
<b>Project</b>	Maules Creek Continuation Project
<b>Location</b>	Therribri Road, Boggabri within Narrabri Shire
<b>Proponent</b>	Maules Creek Coal Pty Ltd
<b>Date of Issue</b>	21/11/2023
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must meet the minimum form and content requirements as prescribed by Part 8 of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&amp;A Regulation) and must have regard to the <i>State Significant Development Guidelines</i>.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>In particular, the EIS must include:</p> <ul style="list-style-type: none"> <li>- a stand alone executive summary;</li> <li>- a full description of the development, including: <ul style="list-style-type: none"> <li>o details of historical mining operations at the mine complex and in the surrounding region;</li> <li>o details of the resource to be extracted and justification for the proposed mine design;</li> <li>o the mine layout and likely staging or sequencing of the development, including construction, exploration, operation and rehabilitation;</li> <li>o coal production rates (ROM and product) and a life of mine production schedule;</li> <li>o forecast production tonnages split into market segment, including export/domestic and thermal/metallurgical coal markets;</li> <li>o coal processing and transportation arrangements, and surface</li> </ul> </li> </ul>

- infrastructure and facilities;
- workforce requirements during all phases of the development (on a full-time equivalent basis);
- the likely interactions between the development and any other historical, existing, approved or proposed mining or infrastructure projects in the vicinity of the site;
- the statutory context for the development including any approvals that must be obtained before the development may commence;
- an assessment of the likely impacts of the development on the environment focusing on the specific issues identified below, including:
  - a description of the existing environment likely to be affected by the development, using sufficient baseline data;
  - an assessment of the likely impacts of all stages of the development, including appropriate worst-case scenarios, consideration of any cumulative impacts, taking into consideration any relevant legislation, environmental planning instruments, guidelines, policies, plans and industry codes of practice and with consideration of advice provided by agencies;
  - a description of the measures that would be implemented to avoid, mitigate and/or offset the likely impacts of the development, and an assessment of:
    - whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented;
    - the likely effectiveness of these measures, including performance measures where relevant;
    - whether contingency plans would be necessary to manage any residual risks; and
    - a description of the measures that would be implemented to monitor and report on the environmental performance of the development if it is approved;
- a consolidated summary of all the proposed environmental management and monitoring measures, identifying all the commitments in the EIS;
- an evaluation of the development as a whole having regard to:
  - relevant matters for consideration under the *Environmental Planning and Assessment Act 1979*, including the principles of Ecologically Sustainable development and the objects of the Act;

	<ul style="list-style-type: none"> <li>○ the suitability of the site with respect to potential land use conflicts with existing and future surrounding land uses;</li> <li>○ the strategic need and justification for the development;</li> <li>○ feasible alternatives to the development (and its key components), including the consequences of not carrying out the development; and</li> <li>○ the biophysical, economic and social costs and benefits of the development; and</li> </ul> <ul style="list-style-type: none"> <li>- a signed statement from the author of the EIS, certifying that the information contained within the document is neither false nor misleading.</li> </ul> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> <li>- adequate baseline data</li> <li>- consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); and</li> <li>- measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment.</li> </ul> <p>The EIS must also be accompanied by a Quantity Surveyor Report for Capital Investment Value and Employment, providing:</p> <ul style="list-style-type: none"> <li>- a detailed calculation of the estimated capital investment value (CIV) of the development, prepared by a AIQS Certified Quantity Surveyor or RICS Chartered Quantity Surveyor in accordance with <i>Planning Circular PS 21-020: Calculation of capital investment value</i>. The calculation of the estimated CIV is to be accurate at the date of application and include details of all components and assumptions from which it is derived.</li> <li>- an estimate of the retained and new jobs that would be created during the construction and operational phases, including details of the methodology to determine the figures provided.</li> </ul>
<b>Key issues</b>	<p>The EIS must address the following specific matters:</p> <ol style="list-style-type: none"> <li><b>1. Statutory and Strategic Context</b> <ul style="list-style-type: none"> <li>• The statutory provisions applying to the development in all relevant environmental planning instruments, including: <ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy (Planning Systems) 2021;</i></li> <li>- <i>State Environmental Planning Policy (Resources and Energy) 2021;</i></li> <li>- <i>State Environmental Planning Policy (Resilience and Hazards)</i></li> </ul> </li> </ul> </li> </ol>

2021;

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;* and
- *Narrabri Local Environment Plan 2012*

## **2. Water Resources**

- An assessment of the likely impacts of the development on the quantity and quality of surface and groundwater resources, having regard to the *NSW Aquifer Interference Policy*.
- An assessment of the hydrological characteristics of the site and downstream.
- An assessment of the likely impacts of the development on aquifers, watercourses, riparian land, groundwater dependent ecosystems, water-related infrastructure, basic landholder rights and other water users.
- An assessment of post-mining groundwater recovery and the potential long-term impacts on water quality and quantity.
- A detailed site water balance, including a description of site water demands, water disposal methods (including the location, volume and frequency of any water discharges and management of discharge water quality), water supply and transfer infrastructure and water storage structures, including an assessment of the reliability of water supply, including consideration of a range of climatic conditions and climate change projections.
- An assessment of all water take for the life of the development and post-closure, including water taken directly and indirectly and itemised to quantify the contributions from each water source.
- Identification of an adequate and secure authorised water supply for the life of the development and any licensing requirements or other approvals under the *Water Act 1912* and/or *Water Management Act 2000*, including a description of the measures proposed to ensure the development can operate in accordance with the requirements of any relevant water sharing plan or water source embargo, or any alternative mechanisms agreed following consultation with relevant NSW government agencies/ statutory authorities.
- A detailed description of the proposed water management system, water monitoring program and measures to mitigate surface and groundwater impacts.
- An assessment of the potential flooding impacts of the development.

## **3. Air Quality**

- An assessment of the likely air quality impacts of the development, including cumulative impacts from nearby developments, in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016)* (or its latest version) and having regard to the NSW Government's *Voluntary Land Acquisition and Mitigation Policy*.
- The ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- An assessment of the likely greenhouse gas impacts of the development including consideration of current NSW and Commonwealth climate change policy settings, programs and guidelines.
- A greenhouse gas mitigation plan and climate change adaptation plan.

#### 4. Noise and Blasting

- An assessment of the likely construction, operational and traffic noise impacts of the development, in accordance with the *Construction Noise Guideline* (if finalised) or the *Interim Construction Noise Guideline*, the *NSW Noise Policy for Industry* (EPA) and the *NSW Road Noise Policy*, and having regard to the *Voluntary Land Acquisition and Mitigation Policy*.
- An assessment of the likely blasting impacts of the development on people, animals, buildings/structures and infrastructure, and significant natural features, having regard to the relevant ANZECC guidelines.

#### 5. Biodiversity

- An assessment of the biodiversity values of the site and the area including the Leard State Forest and the biodiversity linkage between the Nandewar Ranges and the Namoi River, and the likely biodiversity impacts of the development and cumulative biodiversity impacts, in accordance with Section 7.9 of the *Biodiversity Conservation Act 2016* and the *Biodiversity Assessment Method (2020)*.

#### 6. Heritage

- An assessment of the likely Aboriginal heritage (cultural and archaeological) impacts of the development, in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011) and the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), including the significance of cultural heritage values for Aboriginal people who have a cultural association with the land and adequate consultation having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).
- An assessment of the likely non-Aboriginal heritage impacts of development.

#### 7. Land and Soil

- An assessment of the likely impacts of the development on the soils and land capability of the site and surrounds.
- The compatibility of the development with other land uses in the vicinity of the development in accordance with the requirements of Clause 2.17 of *State Environmental Planning Policy (Resources and Energy) 2021*, paying particular attention to the agricultural land use in the region and of any land use conflicts.
- Any potential land contamination consistent with the requirements of Chapter 4, Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

#### **8. Traffic and Transport**

- An assessment of the likely transport impacts of the development on the capacity, condition, safety and efficiency of the surrounding transport network, including cumulative impacts (considering other mining developments in the locality).
- A description of the measures that would be implemented to mitigate and/or manage any impacts, including any proposed road and rail upgrades, road and rail maintenance contributions, and other traffic control measures developed in consultation with the relevant road and rail authorities.

#### **9. Visual**

- An assessment of the likely visual impacts of the development from key public and private vantage points.
- An assessment of the lighting impacts of the development on local receivers and on the Siding Spring Observatory in accordance with *the Dark Sky Planning Guideline*, including measures to minimise lighting impacts.

#### **10. Social**

- An assessment of the social impacts of the prepared in accordance with the *Social Impact Assessment Guideline for State Significant Projects (2021)* and the likely impacts on the local community and community infrastrucutres (including consideration of cumulative impacts from other major projects in the area).

#### **11. Economic**

- A detailed assessment of the likely economic impacts of the development in accordance with the Guidelines for the economic assessment of mining and coal seam gas proposals 2015, paying particular attention to:
  - the costs and benefits of the development;
  - identifying whether the development as a whole would result in a net benefit to NSW and the region, including consideration of fluctuations in commodity markets and exchange rates; and
  - the demand for the provision of local infrastructure and services.

	<p>including any Voluntary Planning Agreement in relation to this demand for infrastructure and services.</p> <p><b>12. Rehabilitation and Final Landform</b></p> <ul style="list-style-type: none"> <li>• A rehabilitation strategy, providing a detailed overview of the final land-use and final landform, rehabilitation objectives (including how the rehabilitation of the development will relate to the rehabilitation strategies of the existing mine complex and neighboring mines) and closure criteria for the development, including the conceptual final landform design.</li> <li>• Identify and include a discussion of opportunities to improve rehabilitation and environmental outcomes for existing disturbed areas within the development site, and barriers or limitations to effective rehabilitation.</li> </ul> <p><b>13. Hazards and Bushfire</b></p> <ul style="list-style-type: none"> <li>• An assessment of the likely risks to public safety, paying particular attention to potential bushfire risks, interactions with nearby prescribed dams and the handling and use of any dangerous goods.</li> <li>• Details of proposed methods of storage and management of chemicals, including consideration of any infrastructure required to prevent spills and leaks.</li> <li>• A preliminary risk screening in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021, and a Preliminary Hazard Analysis (PHA) prepared in accordance with the Department's <i>Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'</i> and Multi-Level Risk Assessment if the development is "potentially hazardous".</li> </ul> <p><b>14. Waste</b></p> <ul style="list-style-type: none"> <li>• The identification, quantification and classification of the waste streams likely to be generated (including tailings, course rejects and waste tyres) during construction and operation and measures that would be implemented to minimise, manage, store or dispose of these waste streams.</li> </ul> <p><b>15. Cumulative</b></p> <p>A detailed assessment of the cumulative impacts of the development with other existing and approved mining projects in the locality, with a particular focus on air quality, noise, traffic and social impacts, as well as impacts on water resources and agriculture</p>
<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Part 8 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>

<b>Engagement</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i>. The EIS must also describe and the issues raised during the consultation process (including by the existing Maules Creek Community Consultative Committee) and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Expiry Date</b>	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.</p>
<b>References</b>	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</p>

## ATTACHMENT 1

## Technical and Policy Guidelines

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.shop.nsw.gov.au/index.jsp>

<http://www.australia.gov.au/publications>

<http://www.epa.nsw.gov.au/>

<http://www.environment.nsw.gov.au/>

<http://www.dpi.nsw.gov.au/>

## Policies, Guidelines & Plans

<b>Land</b>	
	Primefact 1063: Infrastructure proposals on rural land (DPI)
	Australian Soil and Land Survey Handbook (CSIRO)
	Guidelines for Surveying Soil and Land Resources (CSIRO)
	The land and soil capability assessment scheme: second approximation (OEH)
<b>Water</b>	
<b>Water Sharing Plans</b>	Relevant Water Sharing Plans
<b>Groundwater</b>	NSW State Groundwater Policy Framework Document (DPI)
	NSW State Groundwater Quality Protection Policy (DPI)
	NSW State Groundwater Quantity Management Policy (DPI)
	NSW Aquifer Interference Policy 2012 (DPI)
	Australian Groundwater Modelling Guidelines 2012 (Commonwealth)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for Groundwater Documentation for SSD/SSI Projects. Technical guideline <a href="https://water.nsw.gov.au/_data/assets/pdf_file/0020/507611/Guidelines-for-Groundwater-Documentation-for-SSD-SSI-Projects.pdf">https://water.nsw.gov.au/_data/assets/pdf_file/0020/507611/Guidelines-for-Groundwater-Documentation-for-SSD-SSI-Projects.pdf</a>
	Guidelines for the Assessment & Management of Groundwater Contamination (EPA)
<b>Surface Water</b>	NSW State Rivers and Estuary Policy (DPI Water)
	NSW Government Water Quality and River Flow Objectives (EPA)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (EPA)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom) and associated Volumes 2A to 2E (DECC)

	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control (EPA)
	Technical Guidelines: Bunding & Spill Management (EPA)
	A Rehabilitation Manual for Australian Streams (LWRRDC and CRCCH)
	Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)
<b>Flooding</b>	Flood Risk Management Manual (Department of Planning and Environment 2023) and supporting toolkit.
<b>Noise and Vibration</b>	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)
	Noise Policy for Industry (EPA)
	Interim Construction Noise Guideline (EPA) (or updated Construction Noise Guideline if in effect)
	NSW Road Noise Policy (EPA)
	Environmental Noise Management – Assessing Vibration: a technical guide (DEC)
<b>Air Quality and Greenhouse</b>	
	Voluntary Land Acquisition and Mitigation Policy: For State Significant Mining, Petroleum and Extractive Industry Developments (DPE)
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA)
	National Greenhouse Accounts Factors (Commonwealth)
	Climate Change Policy (EPA 2023)
	Climate Action Plan 2023-2026 (EPA 2023)
	Net Zero Plan Stage 1 2020-2030 and associated Implementation updates
	Safeguard Mechanism obligation and reporting requirements
<b>Biodiversity</b>	
	Biodiversity Assessment Method (OEH)
	NSW State Groundwater Dependent Ecosystem Policy (NOW)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (DPI)
	Policy and Guidelines for Fish Habitat Conservation and Management (DPI)
<b>Heritage</b>	
	Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW)
	Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH)
	Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (OEH)
<b>Transport</b>	
	Guide to Traffic Generating Developments (RTA)
	Road Design Guide (RMS) & relevant Austroads Standards
	Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development and RMS Supplements to Austroads
<b>Lighting and Visual</b>	
	AS4282-1997 Control of the obtrusive effects of outdoor lighting
	Dark Sky Planning Guideline (DPE)
<b>Hazards</b>	
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Planning for Bushfire Protection (NSW RFS 2019)
<b>Social</b>	
	Social Impact Assessment Guideline for State Significant Projects (DPE)

<b>Waste</b>
Waste Classification Guidelines (EPA)
Protection of the Environment Operations (Waste) Regulation 2014
Environmental Guidelines: Solid Waste Landfills (EPA 2016)
Tailings Management – Leading Practice Sustainable Development Program for the Mining Industry (Australian Government)
<b>Resource</b>
Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves 2012 (JORC)
<b>Rehabilitation</b>
Mine Rehabilitation – Leading Practice Sustainable Development Program for the Mining Industry, Australian Government, 2016)
Mine Closure – Leading Practice Sustainable Development Program for the Mining Industry, Australian Government, 2016)
Strategic Framework for Mine Closure (ANZMEC-MCA, 2000)
Guidelines on Tailings Dams – Planning, Design, Construction, Operation And Closure – Revision 1 (ANCOLD, July 2019)
Integrated Mine Closure: Good Practice Guide (ICMM, 2019)
<b>Environmental Planning Instruments</b>
<i>State Environmental Planning Policy (Resources and Energy) 2021</i>
<i>State Environmental Planning Policy (Planning Systems) 2021</i>
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
<i>State Environmental Planning Policy (Primary Production) 2021</i>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
<i>Narrabri Local Environmental Plan 2012</i>

Our ref: Maules Creek Continuation Project  
(SSD-63428218/EPBC 2024/09936)

Mr Tony Dwyer  
General Manager - Approvals  
Whitehaven Coal Limited

By NSW Major Projects Portal

20/3/2025

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**Subject: Supplementary Planning Secretary's Environmental Assessment Requirements –  
Matters of National Environmental Significance**

Dear Mr Dwyer

I understand the Commonwealth Minister for the Environment has determined that the proposed Maules Creek Coal Mine Continuation Project (project) is likely to have a significant impact on matters of national environmental significance (MNES) and is a 'controlled action' under Part 7 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Please find attached the supplementary NSW Planning Secretary's environmental assessment requirements (supplementary SEARs) in relation to the MNES identified in the Commonwealth Minister's 'controlled action' decision.

The supplementary SEARs:

- have been prepared as the proposed project falls within the scope of a declared 'class of action(s)' under Schedule 1 to the Assessment Bilateral Agreement (Agreement) made between the Australian Government and the New South Wales Government;
- outline requirements for assessing impacts on MNES that must be addressed in your environmental impact statement;
- do not replace any SEARs previously issued by the NSW Planning Secretary.

The Agreement streamlines assessment of environmental impacts, such that NSW assesses impacts on MNES for proposed actions that fall within the scope of the Agreement. However, NSW does not determine whether approval should be granted with respect to impacts on MNES under the EPBC Act. The Commonwealth Minister remains responsible for determining whether approval should be granted with respect to MNES under the EPBC Act, and if so, any conditions to be imposed on an approval granted under the EPBC Act.

## Department of Planning, Housing and Infrastructure



If you have any questions, please contact Rose-Anne Hawkeswood on 9274 6324.

Yours sincerely

A handwritten signature in black ink, appearing to be "S O'Donoghue".

Stephen O'Donoghue

**Director Resource Assessments**

As nominee of the Planning Secretary

## ATTACHMENT 1

### **Guidelines for preparing assessment documentation relevant to the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* for proposals being assessed under the NSW Assessment Bilateral**

#### **Maules Creek Continuation Project (SSD-63428218) (EPBC 2024/09936)**

#### **Introduction**

1. On 28 February 2025, a delegate of the Commonwealth Minister for the Environment and Water (Commonwealth Minister) determined that the Maules Creek Continuation Project (project) was a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. The EPBC Act controlling provision for the proposed action are:
  - a) listed threatened species and communities (sections 18 and 18A); and
  - b) a water resource in relation to unconventional gas development and large coal mining development (sections 24D and 24E).
2. The proposed action will be assessed in accordance with the bilateral assessment agreement Amending Agreement No. 1, and therefore must be assessed in the manner specified in Schedule 1 to that agreement. The assessment documentation must include:
  - a) an assessment of all impacts that the action is likely to have on each matter protected by a provision of Part 3 of the EPBC Act;
  - b) enough information about the proposal and its relevant impacts to allow the Commonwealth Minister to make an informed decision on whether or not to approve; and
  - c) information addressing the matters outlined in Schedule 4 of the *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)*.
3. The Applicant must undertake an assessment of all protected matters that may be impacted by the development under the controlling provision identified in paragraph 1. The Commonwealth Minister considers that the proposed action is likely to have a significant impact on the following listed threatened species and communities (sections 18 and 18A):
  - White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland – critically endangered.
  - Swift Parrot (*Lathamus discolor*) – critically endangered.
4. Based on the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW)'s Environment Reporting Tool and information provided by the Species Profiles and Threats Database, DCCEEW also considers that the proposed action may result in impacts to the following species:
  - a) Poplar Box Grassy Woodland on Alluvial Plains – endangered
  - b) Koala (combined populations of Queensland, NSW and the Australian Capital Territory) (*Phascolarctos cinereus*) – endangered
  - c) Large-eared pied bat (*Chalinolobus dwyeri*) – endangered
  - d) Corben's long-eared bat (*Nyctophilus corbeni*) – vulnerable
  - e) Brown treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – vulnerable
  - f) Regent honeyeater (*Anthochaera phrygia*) – critically endangered
  - g) Painted honeyeater (*Grantiella picta*) – vulnerable
  - h) South-eastern glossy black-cockatoo (*Calyptorhynchus lathami lathami*) – vulnerable
  - i) South-eastern hooded robin (*Melanodryas cucullata cucullata*) – endangered
  - j) Diamond firetail (*Stagonopleura guttata*) – vulnerable
  - k) Southern whiteface (*Aphelocephala leucopsis*) – vulnerable
  - l) *Vincetoxicum forsteri* (syn. *Tylophora linearis*) – endangered
  - m) Blue grass (*Dicanthium setosum*) – vulnerable

These species require further assessment, surveys, and analysis to determine whether they are likely to be significantly impacted.

5. The Commonwealth Minister also considers that the proposed action is likely to have a significant impact on a water resource in relation to large coal mining development (sections 24D and 24E), as the proposed action is likely to cause changes to surface and groundwater hydrology, surface water quality, and groundwater quality.
6. The Applicant must consider each of the protected matters under the triggered controlling provision that may be impacted by the action. Note that this may not be a complete list and it is the responsibility of the Applicant to undertake an analysis of the significance of the relevant impacts and ensure that all protected matters that are likely to be significantly impacted are assessed for the Commonwealth Minister's consideration.

## **General requirements**

### *Relevant Regulations*

7. The Environmental Impact Statement (EIS) must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.

### *Project Description*

8. The title of the action, background to the action of the action and current status.
9. The location and description of all works to be undertaken (including associated offsite works and infrastructure), structures to be built or elements of the action that may have impacts on matters of national environment significance (MNES).
10. How the action relates to any other actions that have been or are being taken in the region affected by the action.
11. How the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts on MNES.

### *Impacts*

12. The EIS must include an assessment of the relevant impacts<sup>1</sup> of the action on the matters protected by the controlling provisions, including:
  - a) a description and detailed assessment of the nature and extent of the likely direct, indirect and consequential impacts, including short term and long term relevant impacts;
  - b) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - c) analysis of the significance of the relevant impacts; and
  - d) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

### *Avoidance, mitigation and offsetting*

13. For each of the relevant protected matters that are likely to be significantly impacted by the action, the EIS must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
  - a) a description, and an assessment of the expected or predicted effectiveness of the mitigation measures;
  - b) any statutory policy basis for the mitigation measures;
  - c) the cost of the mitigation measures;
  - d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing; and
  - e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

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<sup>1</sup> Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

14. Where a significant residual adverse impact to a relevant protected matter is considered likely, the EIS must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.
15. For each of the relevant matters likely to be impacted by the action the EIS must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:
  - a) conservation advice or recovery plan for the species or community;
  - b) relevant threat abatement plan for a process that threatens the species or community;
  - c) wildlife conservation plan for the species; and
  - d) any strategic assessment.

*[Note: the relevant guidelines and policy statements for each species and community are available from the Commonwealth DCCEEW Species Profiles and Threats Database: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>]*

16. In addition to the general requirements described above, specific information is required with respect to each of the determined controlling provisions. These requirements are outlined in paragraph 17.

#### **Specific risks**

17. Key risks associated with the proposed action from the Commonwealth perspective include:
  - a) likely and potential direct and indirect impacts to EPBC listed threatened species and ecological communities resulting from the clearing; and
  - b) impacts on water resources, including surface and groundwater hydrology, surface water quality, and groundwater quality.

#### **Other approvals and conditions**

18. Information in relation to any other approvals or conditions required must include the information prescribed in Schedule 4 Clause 5 (a) (b) (c) and (d) of the EPBC Regulations.

#### **Information sources**

19. For information given in an EIS, the EIS must state the source of the information, how recent the information is, how the reliability of the information was tested; and what uncertainties (if any) are in the information.

#### **References and guidelines**

20. The international conventions, management plans and principles that must be considered in relation to this proposal include:
  - a) Listed threatened species or ecological community:
    - i. Australia's obligations under the:
      - Convention on Biological Diversity (Biodiversity Convention);
      - Convention on Conservation of Nature in the South Pacific (Apia Convention);
      - the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); or
    - ii. a recovery plan or threat abatement plan.
21. The policies and plans that must be considered in relation to this proposal include:
  - a) Relevant conservation advice and other relevant policies available on Commonwealth DCCEEW Species Profiles and Threats Database.
  - b) Bioregional plans.
  - c) Relevant strategic assessment reports.
22. Commonwealth listing advice, survey guidelines and referral guidelines contain information on threatened species and ecological communities which may provide further information for evaluating the significance of residual impacts on the action's controlling provisions. These documents may be found on the department's SPRAT Database

23. Guidance on the biodiversity offset scheme for a major project where there are predicted to be impacts on matters on MNES can be found via the NSW Department of Planning, Housing and Infrastructure website below.
- a) Key Guidance – Biodiversity:  
<https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/biodiversity>
  - b) Guidelines for matters of environmental significance:  
[https://www.planningportal.nsw.gov.au/sites/default/files/documents/2024/Guidance%20for%20Accredited%20Assessors%20-%20MNES%20form%20\\_0.pdf](https://www.planningportal.nsw.gov.au/sites/default/files/documents/2024/Guidance%20for%20Accredited%20Assessors%20-%20MNES%20form%20_0.pdf)
24. Other references
- a) *Environment Protection and Biodiversity Conservation Regulations 2000* Schedule 4.
  - b) *NSW Assessment Bilateral Agreement (2015)* - Item 18.1, Item 18.5, Schedule 1.
  - c) *Matters of National Environmental Significance - Significant impact guidelines 1.1 (2013) EPBC Act*.