ATTACHMENT 3

COMMONWEALTH REQUIREMENTS

PROJECT ASSESSMENT NOTES

Newstan Mine Extension Project, Awaba, NSW (EPBC 2019/8528)

The proposed action is being assessed for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) under Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This document is intended to complement the assessment requirements and assist the NSW Department of Planning, Industry and Environment (NSW DPIE) to manage the environmental impact assessment process. The engagement steps pursuant to the EPBC Act process are detailed below.

Project details

To extend the mining operations within the West Borehole seam at Newstan Colliery, Awaba, NSW, with a total run-of-mine coal production of 25.9 million tonnes.

Matters of National Environmental Significance

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

- Listed threatened species and communities (sections 18 & 18A).
- A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E).

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

- Black-eyed Susan (Tetratheca juncea) – Vulnerable
- Water resources: the proposed action is likely to result in changes to groundwater and surface water.

The Department also considers that the proposed action may result in significant impacts to the following species:

- Spotted-tailed Quoll (*Dasyurus maculatus maculatus* (SE mainland population)) – Endangered
- Greater Glider (*Petauroides volans*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Large-eared Pied Bat (*Chalinolobus dwyeri*) – Vulnerable
- Koala, (*Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)*) – Vulnerable
- Swift Parrot (*Lathamus discolour*) – Critically Endangered
- Regent Honeyeater (*Anthochaera phrygia*) – Critically Endangered
- Curlew Sandpiper(*Calidris ferruginea*) – Critically Endangered
- Eastern Curlew, Far Eastern Curlew (*Numenius madagascariensis*) – Critically Endangered

- Red Knot, Knot (*Calidris canutus*) – Endangered
- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Australasian Bittern (*Botaurus poiciloptilus*) – Endangered
- White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable
- Giant Barred Frog, (*Mixophyes iteratus*) – Endangered
- Green and Golden Bell Frog (*Litoria aurea*) – Vulnerable
- Stuttering Frog, (*Mixophyes balbus*) – Vulnerable
- Littlejohn's Tree Frog, Heath Frog (*Litoria littlejohni*) – Vulnerable
- Wyong Midge Orchid 1, Variable Midge Orchid (*Corunastylis insignis*) – Critically Endangered
- White-flowered Wax Plant (*Cynanchum elegans*) – Endangered
- Biconvex Paperbark, (*Melaleuca biconvexa*) – Vulnerable
- Leafless Tongue-orchid (*Cryptostylis hunteriana*) – Vulnerable
- Bynoe's Wattle, Tiny Wattle, (*Acacia bynoeana*) – Vulnerable
- Small-flower Grevillea (*Grevillea parviflora subsp. Parviflora*) – Vulnerable
- Magenta Lilly Pilly (*Syzygium paniculatum*) – Vulnerable
- Heath Wrinklewort (Rutidosis heterogama) – Vulnerable
- Charmhaven Apple (*Angophora inopina*) – Vulnerable

To determine if significant impacts to these species are likely, further information on the total area and quality of habitat to be impacted by the proposed action will be required during the assessment stage.

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

Key issues

The proposed action is likely to result in significant impacts on listed threatened species and ecological communities. These impacts include the loss and disturbance of habitat which may be caused by the following: subsidence (between 1–3.2 m in areas of total extraction), changes in ground and surface hydrology, and the potential removal of native vegetation. These impacts must be appropriately avoided, mitigated or offset for EPBC Act purposes.

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

General Assessment Requirements

The EIS must address the matters outlined in Schedule 4 of the EPBC Regulations and the matters outlined below in relation to the controlling provisions.

Listed threatened species and communities (section 18 and 18A)

For each of the EPBC Act listed species known or predicted to occur in the project site, and each of the EPBC Act listed ecological communities likely to be significantly impacted, the EIS must provide:

1. Survey results, including details of the scope, timing and methodology for studies or surveys used and how they are consistent with (or justification for divergence from) published Commonwealth guidelines and policy statements and/or the relevant NSW offsetting method. For ecological communities, this includes any condition thresholds provided in the listing advice or approved conservation advice.

2. A description and quantification of habitat in the study area (including suitable breeding habitat, suitable foraging habitat, important populations and habitat critical for survival), with consideration of, and reference to, any relevant Commonwealth guidelines and policy statements including listing advices, conservation advices, recovery plans, and threat abatement plans.

3. Maps displaying the above information (specific to each EPBC protected matter) overlaid with the proposed action. It is acceptable, where possible, to use the mapping and assessment of Plant Community Types (PCTs) and the species surveys prescribed by the BAM as the basis for identifying EPBC Act-listed species and communities. The EIS must clearly identify which PCTs are considered to align with habitat for the relevant EPBC Act listed species or community, and provide individual maps for each species or community.

4. Description of the nature, geographic extent, magnitude, timing and duration of any likely direct, indirect and consequential impacts on any relevant EPBC Act listed species and communities. It must clearly identify the location and quantify the extent of all impact areas to each relevant EPBC Act listed species or community. The EIS must address the likelihood and extent of any impacts downstream of the proposed action.

5. For each of the EPBC Act listed species and communities likely to be impacted by the development, the EIS/assessment must provide information on proposed avoidance and mitigation measures to deal with the impacts of the action, and a description of the predicted effectiveness and outcomes that the avoidance and mitigation measures will achieve.

6. Quantification of the offset liability for each species and community significantly impacted, and information on the proposed offset strategy, including discussion of the conservation benefit for each species and community, how offsets will be secured, and the timing of protection. All suitable habitat for MNES significantly impacted must be offset. It is a requirement that offsets directly contribute to the ongoing viability of the specific protected matter impacted by a proposed action i.e. 'like-for-like'.

   Like-for-like includes protection of native vegetation that is the same EEC or habitat being impacted, or funding to provide a direct benefit to the matter being impacted i.e. threat abatement, breeding and propagation programs or other relevant conservation measures.

A water resource, in relation to coal seam gas development and large coal mining development (section 24D and 24E)

The EIS must include a detailed water assessment. The water assessment must be undertaken in accordance with the IESC Information Guidelines (http://iesc.environment.gov.au/publications/information-guidelines-independent-expert-scientific-committee-advice-coal-seam-gas) and provide the information outlined in these guidelines including:

Groundwater modelling

7. Include a groundwater model that uses a wide variety of parameters and predictions to enable clarification of potential drawdown impacts and include, accordingly, the assessment of impacts on the creeks and tributaries traversing the extension of mining area and downstream.

8. Include a groundwater model that has been integrated with the subsidence model to provide an improved understanding of impacts on surface water and alluvium.

Analysing potential impacts to groundwater dependant ecosystems (GDEs)

9. Confirm the distribution of GDEs in the region and the depth to groundwater in areas of potential GDE's.

10. Conduct a detailed cumulative impact assessment of potential risks to groundwater and surface water ecosystems that may be impacted by the project.

11. Include an assessment of GDEs.

Surface water modelling

12. The EIS should provide surface water modelling which considers water loss from surface waters due to groundwater drawdown, cracking and ponding.

13. Include a surface water assessment.

Comprehensive and detailed monitoring

14. The EIS should derive site-specific water quality guidelines and provide more information on how the proponent plans to monitor impacts. For example, the parameters and frequency of monitoring should be detailed.