

## **Appendix B**

### ***DPIE Correspondence on Approvals Path & SEARs***



Mr Daniel Yates  
Group Manager HSET  
Boggabri Coal Pty Limited

15/02/2021

Dear Mr Yates

**Boggabri Coal Mine Extension (MP09\_0182)  
Proposed Modification 8**

I refer to your correspondence concerning a proposed modification to the Boggabri Coal Mine.

The Department can confirm that the appropriate approval pathway for the modification application would be under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The Department is generally satisfied with the proposed matters to be addressed in the Modification Report. In relation to the air quality assessment, the Modification Report should include a comprehensive assessment of the greenhouse gas emissions associated with the modification, including any proposed measures that would be implemented to minimise Scope 1 and Scope 2 emissions and consideration of all relevant statutory requirements and NSW and Commonwealth Government policy. The report should also include assessment of heritage impacts (if any) associated with any new disturbance associated with the fauna crossing and consultation with NSW Heritage and Registered Aboriginal Parties if there are impacts to heritage sites.

The Modification Report should also clearly identify changes in impacts between the approved and modified project and include an evaluation of the modified project as a whole.

If your proposal is determined to be a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the environmental assessment of that action may be undertaken by the Department on behalf of the Commonwealth under the bilateral agreement between the Commonwealth Government and the NSW Government. However, you would need to consult further with the Department regarding any further assessment requirements prior to lodging your modification request.

When you are ready to lodge your modification application, you can do so via your dashboard on the major projects website (<http://www.planningportal.nsw.gov.au/major-projects>).

If you have any questions, please contact Rose-Anne Hawkeswood by phone on 9274 6324 or by email at [rose-anne.hawkeswood@planning.nsw.gov.au](mailto:rose-anne.hawkeswood@planning.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'SOD'.

Stephen O'Donoghue  
Director  
Resource Assessments



Ms Amanda O'Kane  
Project Manager  
Idemitsu  
By Email: [Amanda.okane@idemitsu.com.au](mailto:Amanda.okane@idemitsu.com.au)

8 June 2021

Dear Ms O'Kane

**Boggabri Coal Mine Extension Project (MP09\_0182)  
Modification 8 Environmental Assessment Requirements**

I refer to the scoping letter from Mr Daniel Yates to the Department dated 17 November 2020, and the Department's response dated 15 Feb 2021 regarding the assessment requirements for the proposed modification to the Boggabri Coal Mine (Mod 8).

Since issuing that letter in February, the Commonwealth Department of Agriculture, Water and the Environment (DAWE) has determined that the modification would be a controlled action under the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2021/8875).

I can advise that the action will be assessed by the NSW Government under the assessment bilateral agreement between the Commonwealth Government and the NSW Government.

In accordance with that agreement, the Department must issue Secretary's Assessment Requirements (SEARs) for the modification to ensure that the Commonwealth matters are appropriately addressed in the Modification Report.

The Commonwealth has provided its assessment requirements for the Matter of National Environmental Significance relevant to the project (a water resource, in relation to coal seam gas development and large coal mining development under sections 24D and 24E). Those requirements are detailed in **Attachment 1**.

In addition to the matters outlined in the previous correspondence referred to above, the Modification Report must address the matters detailed in Attachment 1 of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'SOD'.

Stephen O'Donoghue  
**Director**  
**Resource Assessments**  
as nominee of the Secretary

Enc: Attachment 1 – Commonwealth Assessment Requirements

## ATTACHMENT 1

# Assessment Requirements Relevant to the *Environmental Protection and Biodiversity Conservation Act 1999*

### **Boggabri Coal Mine Modification (MP 09\_0182 Mod 8) (EPBC 2021/8875)**

#### **Introduction**

1. On 28 May 2021, a delegate of the Federal Minister for the Department of Agriculture, Water and the Environment (DAWE) determined that the Boggabri Coal Mine Mod 8 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 is a water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2. The proposed action will be assessed using an accredited process for the purposes of the EPBC Act. The assessment documentation must include:
  - i. 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;
  - ii. enough information about the proposal and its relevant impacts to allow the Federal Minister to make an informed decision on whether or not to approve; and
  - iii. 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 DAWE considers that the proposed action is likely to result in changes to groundwater and surface water quality and hydrological regimes, including potential impacts to groundwater dependent ecosystems from cumulative mining in the area.
4. 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*

5. The Modification Report 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*

6. The title of the action, background to the action of the action and current status.
7. The precise 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 MNES.
8. How the action relates to any other actions that have been, or are being taken in the region affected by the action.
9. 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*

10. The Modification Report must include an assessment of the relevant impacts<sup>1</sup> of the action on the matters protected by the controlling provisions, including:
- 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;
  - ii. a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
  - iii. analysis of the significance of the relevant impacts; and
  - iv. any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

### *Avoidance, mitigation and offsetting*

11. For each of the relevant matters protected that are likely to be significantly impacted by the action, the Modification Report must provide information on proposed avoidance and mitigation measures to manage the relevant impacts of the action including:
- i. a description, and an assessment of the expected or predicted effectiveness of the mitigation measures,
  - ii. any statutory policy basis for the mitigation measures;
  - iii. the cost of the mitigation measures;
  - iv. 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;
  - v. the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.

### **Key Issues**

#### **Water resource, in relation to coal seam gas development and large coal mining development**

#### Comments

12. The Applicant has provided preliminary hydrological information that is insufficient for an adequate assessment of the impacts of the proposed action on water resources, however the Department considers key impacts to water resources are likely to arise from altered surface hydrology and quality as well as increased groundwater drawdown. The Department understands that the Applicant will provide detailed water modelling as part of the Modification Report which will allow a detailed assessment of the potential impacts of the proposed action on water resources be undertaken. 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.

#### **Assessment Requirements**

13. The Modification Report must include a detailed water assessment undertaken in accordance with the IESC Information Guidelines (<http://iesc.environment.gov.au/publications/information-guidelines-independent-expert-scientific-committee-advice-coal-seam-gas>). The Modification Report should present sufficient evidence for independent verification of:
- the processes of cause and effect between the project and water resource; and
  - the magnitude of the impacts on water resources.
14. Sufficient information should be provided to consider the appropriateness of the underlying assumptions and conceptual models on which numerical models are based. An independent reader of the environmental assessment documents should be able to verify all significant conclusions made by the proponent.

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

15. The Modification Report should provide the following information outlined in the IESC Information Guidelines:

*A description of current regional and proposed impacts to water resources and water-dependent assets.*

16. The water assessment should provide a regional overview of the project area including a description of the geological basin, coal resource, surface water catchments, groundwater systems, water-dependent assets, and current and reasonably foreseeable coal mining, CSG development and other water-intensive activities, including irrigation. This should include any relevant information generated by a bioregional assessment.

17. Provide descriptions of existing conditions, values and sensitivity to potential impacts.

18. Provide conceptual and/or numerical modelling of potential impacts.

19. Propose mitigation and management measures

*Groundwater modelling*

20. Include a groundwater model that uses a wider 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 mining area and downstream. The modelling should show the range of likelihood of possible outcomes, based on sensitivity and uncertainty analysis. .

21. Predictions of groundwater changes over the life of the proposed projects (for example, using numerical groundwater models)

22. Predictions of groundwater recovery beyond the life of the proposed projects (for example, using numerical groundwater models).

*Analysing potential impacts to groundwater dependant ecosystems (GDEs)*

23. Confirm the distribution of GDEs in the region and the depth to groundwater in areas of potential GDEs.

24. Include an assessment of GDEs

*Surface water modelling*

25. The Modification Report should provide surface water modelling which considers water loss from surface waters due to groundwater drawdown, cracking and ponding. The modelling should show the range and likelihood of possible outcomes, based on sensitivity and uncertainty analysis.

26. Include a surface water assessment.

*Cumulative impact assessment*

27. The Modification Report should include a cumulative impact assessment and consider all relevant past, present and reasonably foreseeable actions, including impacts from water-intensive activities other than mining and CSG, and programs and policies that are likely to impact water resources. Where impacts from a new project are considered small, these need to be considered with the impacts from existing development and the cumulative impact must be assessed to determine if a threshold of acceptable total impact may be crossed.

*Comprehensive and detailed monitoring*

28. The Modification Report should derive site-specific water quality guidelines and provide more information on how they plan to monitor impacts. For example, the parameters and frequency of monitoring should be detailed.

*Final landform and rehabilitation assessment*

29. Predictions of final void water quality and quantity.

30. Discussion on re-equilibration of groundwater and eventual discharges to the environment.

### **Other approvals and conditions**

31. 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 2000.

### **Information Sources**

32. For information given in a Modification Report, the Modification Report 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**

- *Environment Protection and Biodiversity Conservation Regulations 2000 Schedule 4*
- NSW Assessment Bilateral Agreement (2015) - Item 18.1, Item 18.5, Schedule 1
- *Matters of National Environmental Significance - Significant impact guidelines 1.1* (2013) EPBC Act
- *Information Guidelines for Independent Expert Scientific Committee advice on coal seam gas and large coal mining development proposals* (2014)