Appendix C
Controlled Action Decision Notice

Department of Planning, Housing and Infrastructure

Our ref: Boggabri Coal Mine-10 (MP09_0182-Mod-10)

Mr Shane Wright
Executive General Manager - Operations & Development
Idemitsu Australia Pty Ltd
By Email

27/09/2024

Subject: Assessment Requirements – Boggabri Coal Mine Modification 10

Dear Mr Wright

I refer to your scoping letter dated 17 May 2024, and the Department's response dated 23 May 2024 regarding the assessment requirements for the proposed modification to the Boggabri Coal Mine (SSD 09_0182 Mod 10).

Since issuing that letter in May 2024, the Commonwealth Minister for the Environment has determined that your proposed development (SSD 09_0182 Mod 10) 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) (EPBC 2024/09887).

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. The assessment bilateral 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.

In accordance with the bilateral agreement, the Department must issue Secretary's Environmental 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 matters of national environmental significance relevant to the project, which are:

- listed threatened species and communities (sections 18 and 18A); and
- a water resource, in relation to unconventional gas development and large coal mining development (sections 24D and 24E).

In addition to the matters outlined in the Department's previous correspondence of 23 May 2024, the modification report must address the Commonwealth requirements detailed in **Attachment 1** of this letter.

If you have any questions, please contact Philip Nevill on (02) 8275 1036.

Yours sincerely,



Stephen O'Donoghue
Director
Resource Assessments

as delegate for the Planning Secretary