

Appendix D
Controlled Action Decision



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action**

Boggabri Coal Mine SSD 09_0182 Modification 8, NSW (EPBC 2021/8875)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action To extend an open-cut mining operation at the Boggabri Coal Mine, Boggabri, NSW. The proposed action includes: increasing the depth of mining from the base of the Merriown Coal Seam down to the Templemore Coal Seam; the continuation of mining until 2039; and the construction of a 50m wide Fauna Movement Crossing overpass, as described in the referral received by the Department on 17 February 2020 (see EPBC Act referral 2021/8875).

decision on proposed action The proposed action is a controlled action.
The project will require assessment and approval under the EPBC Act before it can proceed.

relevant controlling provisions

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

designated proponent Boggabri Coal Pty Limited
ACN: 122 087 398

assessment approach The project will be assessed under the assessment bilateral agreement with New South Wales.

Decision-maker

Name and position Louise Vickery
Assistant Secretary
Environment Assessments (NSW, ACT) Branch

Signature

date of decision 28 May 2021