Appendix D
EPBC SEARs

ATTACHMENT 1

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

Boggabri Coal Mine Modification
(MP 09_0182 Mod 10) (EPBC 2024/09887)

Introduction

1. On 20 August 2024, a delegate of the Federal Minister for the Department of Climate Change, Energy, the Environment and Water (DCCEEW) determined that the Boggabri Coal Mine Modification 10 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:

   i. listed threatened species and communities (sections 18 and 18A); and
   ii. 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 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 DCCEEW considers that the proposed action is likely to have a significant impact on the following:

   i. listed threatened species and communities (sections 18 and 18A):
      a) Regent Honeyeater (*Anthochaera Phrygia*) – Critically endangered
      b) Swift Parrot (*Lathamus discolor*) – Critically endangered
      c) Corben's Long-eared Bat (*Nyctophilus corbeni*) - Vulnerable
      d) Koala (combined populations of Queensland, NSW and Australian Capital Territory) (*Phascolarctus cinereus*) – Endangered
   ii. a water resource, in relation to unconventional gas development and large coal mining development (sections 24D and 24E):
      a) the proposed action is likely to result in changes to groundwater and surface water.

4. Based on DCCEEW's Environment Reporting Tool and information provided by the Species Profiles and Threats Database (SPRAT), DCCEEW also considers that the proposed action may result in high to moderate impacts to the following species:

   i. Border Thick-tailed Gecko (*Uvidicolus sphyrurus*) – Vulnerable
   ii. Brown Treecreeper (south eastern) (*Climacteris picumnus victoriae*) – Vulnerable
   iii. Painted Honeyeater (*Grantiella picta*) - Vulnerable
   iv. South-eastern Hooded Robin (*Melanodryas cucullata cucullata*) – Endangered
   v. Large-eared Pied Bat (*Chalinolobus dwyeri*) – Vulnerable
   vi. Spotted-tailed Quoll (*Dasyurus maculatus*) – Endangered

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

5. 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

6. 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

7. The title of the action, background to the action of the action and current status.

8. 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 matters of national environment significance (MNES).

9. How the action relates to any other actions that have been or are being taken in the region affected by the action.

10. 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

11. The Modification Report must include an assessment of the relevant impacts[1] 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

12. 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.

13. Where a significant residual adverse impact to a relevant protected matter is considered likely, the Modification Report must provide information on the proposed offset strategy, including discussion of the conservation benefit associated with the proposed offset strategy.

14. For each of the relevant matters likely to be impacted by the action the Modification Report must provide reference to, and consideration of, relevant Commonwealth guidelines and policy statements including any:

    i. conservation advice or recovery plan for the species or community,
    ii. relevant threat abatement plan for a process that threatens the species or community,
    iii. wildlife conservation plan for the species,
    iv. any strategic assessment.

[1] Relevant impacts are those impacts likely to significantly impact on any matter protected under the EPBC Act

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

Specific Risks

15. Key risks associated with the proposed action from the Commonwealth perspective include:

- threats to threatened species and communities from clearing, and
- impacts to water resources.

Comments on biodiversity assessment

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.

- Key Guidance – Biodiversity: https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines/key-guidance/biodiversity
- 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

Comments on water assessment

The Applicant has provided insufficient hydrological information to adequately assess the impacts of the proposed action on water resources. However, the DCCEEW considers impacts to water resources are likely to arise from altered surface and groundwater hydrology. The DCCEEW understands that the Applicant will prepare a groundwater impact assessment and a surface water impact assessment. 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.

Other approvals and conditions

16. 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

17. 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)*