

# Vickery Extension Project – Supporting Infrastructure

Application Number: **03213**Commencement Date:  
**07/11/2025**Status: **Locked**

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## 1. About the project

### 1.1 Project details

#### 1.1.1 Project title \*

#### 1.1.2 Project industry type \*

#### 1.1.3 Project industry sub-type

#### 1.1.4 Estimated start date \*

#### 1.1.4 Estimated end date \*

## 1.2 Proposed Action details

### **1.2.1 Provide an overview of the proposed action, including all proposed activities. \***

## **Overview**

The Vickery Extension Project (the Project) is an approved, open cut coal mine located in the Gunnedah Coalfield, approximately 25 kilometres (km) north of Gunnedah in New South Wales (NSW).

The Vickery Extension Project operates under two existing Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions (EPBC 2012/6263 and EPBC 2016/7649). The Vickery Coal Project (EPBC 2012/6263) was previously referred under the EPBC Act in January 2012 and was determined not to be a Controlled Action if implemented in a particular manner. EPBC Approval (2016/7649) was issued in 2021 and includes the extension of the open cut mining operations at the Vickery Coal Mine and related surface infrastructure and activities.

In August 2025, VCPL obtained approval under section 4.55(2) of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) for a Modification to the approved Vickery Extension Project (State Significant Development [SSD] 7480), referred to as the Modification. The Modification described opportunities to improve designs of the Vickery Extension Project landforms and components, adjustment of the water management system to improve water security and reduce reliance on extraction from the Namoi River, improved construction traffic management and adjusted construction footprints to accommodate detailed design requirements for infrastructure.

Components of the Modification which are the subject of the Action are shown on Figure 1 in Attachment A. The design of the Action included iterative steps to adjust the layout of infrastructure to avoid impact to environmental values, including Matters of National Environmental Significance. Figure 2 in Attachment A illustrates the impact avoidance areas that were incorporated into the design of the Action.

The Modified Project conceptual final landform is illustrated on Figure 3 in Attachment A.

## **The Action**

VCPL is submitting a new EPBC Act referral for components of the relevant activities approved by the NSW Government via the Modification to the approved Vickery Extension Project (SSD 7480). The components of the Modification that form the Action are those which would have a potential significant impact on threatened species and ecological communities listed under the EPBC Act, specifically:

- construction of a water pipeline from a water supply dam on an adjoining private property (referred to as the Ovenden Pipeline);
- construction of a water pipeline to the nearby Rocglen Coal Mine; and
- realignment of the approved Blue Vale Road diversion.

The additional disturbance area associated with the Action is approximately 47.5 hectares (ha) of additional native vegetation (of which approximately 21.3 ha is woodland/forest and 26.2 ha of derived native grassland [DNG]).

The disturbance area associated with the Action is shown on Figure 1 in Attachment A.

## **Water Supply and Pipelines**

The Action would include the construction of water supply pipelines between the Vickery Extension Project, the Rocglen Coal Mine final void (currently being rehabilitated) and a nearby private landholder for the temporary storage and then transfer of water to the Vickery Extension Project.

## **Revised Blue Vale Road Realignment**

The Action would also include a revised Blue Vale Road realignment, to be constructed between the open cut extent and the secondary infrastructure area. The revised Blue Vale Road realignment minimises the diversion travel distance, reduces impact on Stratford Creek and improves the road design with fewer tight bends and less cut and fill requirements for construction.

The Action is separate from, but related to, the controlled action approved under the EPBC Approval (2016/7649). The Action, which is the subject of this referral under the EPBC Act, does not include any component of or activity forming part of the Project action that is already authorised by EPBC Approval (2016/7649) (whether or not those components or operations have been constructed or commenced).

For the avoidance of doubt, the Action (which is the subject of this Referral) does not include:

- The components and operations of the already approved Project, whether or not those components or operations have been constructed or commenced.
- Initial development activities that may support the Action that involve only minor ground disturbance, including, but not limited to, survey and demarcation activities, exploration, archaeological, environmental and geotechnical investigations, and installation of temporary buildings and fencing.

### 1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

Yes

### 1.2.3 Is the proposed action the first stage of a staged development (or a larger project)?

No

### 1.2.4 Related referral(s)

EPBC Number	Project Title
2016/7649	Vickery Coal Mine Extension Project, Gunnedah, NSW
2012/6263	Vickery Coal Project

### 1.2.5 Provide information about the staged development (or relevant larger project).

The Action is related to other actions or proposals in the region but is not part of a staged development.

The Action is separate from, but related to, the controlled action (i.e. the Project) approved under the EPBC Approval (2016/7649) in 2021. EPBC Approval (2016/7649) includes the extension of the open cut mining operations at the Vickery Coal Mine and related surface infrastructure and activities, 25 km north of Gunnedah, NSW.

### 1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? \*

## **Commonwealth Legislation**

### ***Environment Protection and Biodiversity Conservation Act 1999***

The Action is being referred to the Commonwealth Minister for the Environment and Water for consideration as to whether the Action is a 'controlled action' and requires approval under the EPBC Act (i.e. this EPBC Referral).

Relevant guidelines and policies, which were considered during preparation of this Referral, include:

- *Significant impact guidelines 1.1 Environmental Protection and Biodiversity Conservation Act 1999 Matters of National Environmental Significance* (Commonwealth of Australia, 2013).
- *Significant impact guidelines 1.3 coal seam gas and large coal mining developments – impacts on water resources* (Commonwealth of Australia, 2022).

### ***National Greenhouse and Energy Reporting Act 2007***

The Commonwealth National Greenhouse and Energy Reporting Act 2007 introduced a single national reporting framework for the reporting and dissemination of corporations' greenhouse gas emissions and energy use.

The Action would not significantly change greenhouse gas emissions compared to the approved Project.

## **State Legislation**

### ***NSW Environmental Planning and Assessment Act 1979***

The EP&A Act and the NSW *Environmental Planning and Assessment Regulation 2021* set the framework for planning and environmental assessment in NSW. Development Consent [SSD 7480] was modified under section 4.55(2) of the EP&A Act to approve the Modification in August 2025.

### ***Mining Act 1992***

The objects of the NSW *Mining Act 1992* are to encourage and facilitate the discovery and development of mineral resources in NSW, having regard to the need to encourage economic sustainable development. Whitehaven holds CL 316, ML 1718, ML 1464, ML 1471 and ML 1838 for the Project and has applied for a Mining Lease for the Project rail spur (MLA 635).

There is no requirement for an amendment or variation of the existing authorities under the NSW *Mining Act 1992* as a result of the Action.

### ***Biodiversity Conservation Act 2016***

The NSW *Biodiversity Conservation Act 2016* (BC Act) provides the approach to be followed for conducting an assessment of a development's impacts on threatened species and ecological communities.

Potential ecological impacts and the associated offset liability for unavoidable residual impacts from the Modification have been assessed in accordance with the *Biodiversity Assessment Method* (DPIE, 2020) (BAM), which sets a standard that would result in a net positive biodiversity value in NSW.

### ***Protection of the Environment Act 1997***

The NSW Protection of the Environment Operations Act 1997 (PoEO Act) is the primary NSW legislation that regulates pollution control and licensing. One key feature of the PoEO Act is the statutory requirement to apply for and obtain an Environment Protection Licence (EPL) in circumstances where a scheduled activity or activities are being carried out (those activities being defined in Schedule 1 of the PoEO Act).

The approved Project is currently licensed under EPL 21283 to conduct "coal works", "crushing, grinding or separating", "chemical storage" and "mining for coal" as defined in Schedule 1 of the PoEO Act. Whitehaven would review EPL 21283 in consultation with the NSW EPA, and if necessary, vary EPL 21283 under the PoEO Act to incorporate the Modification.

**National Parks and Wildlife Act 1974**

The NSW *National Parks and Wildlife Act 1974* contains provisions for the protection and management of national parks, historic sites, nature reserves and Aboriginal heritage in NSW.

An Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken for the Modification to assess the potential impacts of the Modification on Aboriginal cultural heritage.

**Water Management Act 2000**

The WM Act contains provisions for the licensing, allocation, capture and use of water resources. Under the WM Act, water sharing plans establish rules for sharing water between different users and between the various environmental sources (namely rivers or aquifers).

The water sharing plans in the vicinity of the Project are:

- Groundwater:
  - *Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2020.*
  - *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020.*
- Surface water:
  - *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016.*
  - *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012.*

The water to be transferred via the proposed Ovenden pipeline included in the Action would be sourced from existing lawful extractions under Water Access Licences in the *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020*.

**Crown Land Management Act 2016**

The NSW *Crown Land Management Act 2016* (Crown Land Act) provides for the management of Crown land in NSW. Relevant licenses or approvals required under the Crown Land Act would continue to be obtained for the Project, incorporating the Modification, where required.

**1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed consultation documentations, if relevant. \***

Whitehaven regularly engages and communicates with the community regarding the Project, through the following channels:

- the Whitehaven website (Vickery Extension Project - Whitehaven Coal)
- Vickery Coal Mine (VCM) Community Consultative Committee (CCC);
- fact sheets and newsletters;
- landholder visits and meetings;and
- complaints register.

Whitehaven has consulted with the following regarding the Action:

- Surrounding landholders and community members;
- VCM Community Consultative Committee;
- Registered Aboriginal Parties;
- Gunnedah Shire Council;
- Narrabri Shire Council;
- NSW Resources (including the Resources Regulator);
- Transport for NSW
- NSW Department of Climate Change, Energy, the Environment and Water, including:
  - NSW Biodiversity Conservation and Science Directorate; and
  - Heritage NSW; and
  - NSW EPA.
- NSW Resources Regulator.

A summary of this consultation is provided in the Modification Report. The Modification Report can be viewed at the NSW Planning Major Project Portal via the link here:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-1-waste-tyres-road-haulage-and-concrete-batch-plant>

### ***Traditional Owners***

The Modification Report and its relevant appendices included detailed information regarding the public consultation that has been carried out in relation to the Modification. For example, the Aboriginal Cultural Heritage Assessment (ACHA) for the Modification set out how Indigenous stakeholders have been consulted in accordance with the NSW Aboriginal cultural heritage consultation requirements for proponents 2010 (Department of Environment, Climate Change and Water, 2010) and by reference to the guideline Interim Engaging with First Nations People and Communities on Assessments and Approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth DCCEEW, 2023).

## 1.3.1 Identity: Referring party

### **Privacy Notice:**

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

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**Confirm that you have read and understand this Privacy Notice \***

### **1.3.1.1 Is Referring party an organisation or business? \***

Yes

## Referring party organisation details

**ABN/ACN** 74626224495

**Organisation name** Vickery Coal Pty Ltd

**Organisation address** PO Box 600, Gunnedah, NSW 2380

## Referring party details

**Name** Scott Mitchell

**Job title** Manager Approvals

**Phone** (02) 6741 9300

**Email** Smitchell@whitehavencoal.com.au

**Address** 231 Conadilly St, Gunnedah, NSW 2380

## 1.3.2 Identity: Person proposing to take the action

### 1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? \*

No

### 1.3.2.2 Is Person proposing to take the action an organisation or business? \*

Yes

## Person proposing to take the action organisation details

**ABN/ACN** 74626224495

**Organisation name** VICKERY COAL PTY LTD

**Organisation address** PO Box 600, Gunnedah, NSW 2380

## Person proposing to take the action details

**Name** Tony Dwyer

**Job title** Whitehaven Group Manager, Approvals and Assessments

**Phone** 0000000000

**Email** tdwyer@whitehavencoal.com.au

**Address** PO Box 600, Gunnedah, NSW 2380

**1.3.2.14 Are you proposing the action as part of a Joint Venture? \***

No

**1.3.2.15 Are you proposing the action as part of a Trust? \***

No

**1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. \***

Vickery Coal Pty Ltd is the proponent proposing the Action. Vickery Coal Pty Ltd has a strong history in responsible environmental management and business operation. Vickery Coal Pty Ltd conducts its operations in accordance with a range of regulatory consents, leases and licenses. Vickery Coal Pty Ltd has established and is committed to continuing open and constructive communication with the local community and stakeholders. None of the current directors of VCPL have been convicted by a Court for any environment related offence. No other enforcement action has been taken by any relevant environmental regulator against a current director of VCPL.

Please refer to "Att B - Environmental Management and Compliance History of VCPL" for details of the environmental record of the Vickery Coal Pty Ltd for the purposes of this section. Vickery Coal Pty Ltd is the person proposing the Action.

The environmental record of Vickery Coal Pty Ltd VCPL has been included in Attachment B - Environmental Management and Compliance History of Vickery Coal Pty Ltd as it has undertaken actions relating to the existing Vickery Coal Mine and is the holder of EPBC Approvals 2012/6263 and 2016/7649.

**1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework**

Whitehaven's Health, Safety and Environment Policy is provided below:

*Whitehaven Coal is committed to conducting business in a way that protects the environment and maintains a safe and healthy workplace for its workforce, visitors and the surrounding community, throughout all stages of exploration, development, operation and closure.*

*This document outlines the Health, Safety and Environment (HSE) process that will support us to achieve this commitment.*

*Whitehaven Coal aims to:*

- *Ensure that the physical and psychological health, safety and wellbeing of our people comes first.*
- *Avoid environmental impacts, mitigate unavoidable impacts, rehabilitate disturbed areas and offset residual impacts that cannot be addressed.*
- *Play a practical and positive role in the transition towards a lower-carbon future. Whitehaven Coal will strive to achieve these aims by:*
- *Our leaders demonstrating a visible commitment to health, safety and environmental management.*
- *Ensuring our workplaces are physically and psychologically safe.*
- *Identifying and using the hierarchy of controls to mitigate HSE risks.*
- *Providing our people with necessary HSE information, instruction, training and supervision to enable effective performance of their work.*
- *Promoting a learning environment through open communication to continuously improve HSE performance.*
- *Promoting, educating and supporting our people to make healthy lifestyle choices and recognise the importance of good mental health.*
- *Complying with applicable legislation and other requirements as a minimum operating standard.*

*Our People's responsibilities:*

- *Ask questions, share learnings, and report incidents and injuries to your leaders.*
- *Ensure work is understood, risks are identified, and controls are effective prior to commencing any work.*
- *Present for work in a fit and healthy state, take reasonable care for your own health and safety and the health and safety of others.*
- *Comply with applicable legislation, this policy and associated HSE Standards.*
- *Follow any reasonable instruction given by Whitehaven Coal.*

*This policy applies to all employees, contract partners and visitors at sites managed by Whitehaven Coal.*

VCPL is a subsidiary of Whitehaven and operates the Project in accordance with Whitehaven's Health, Safety and Environment Policy. VCPL would also operate the proposed Action in accordance with Whitehaven's Health, Safety and Environment Policy (as amended from time to time).

### 1.3.3 Identity: Proposed designated proponent

#### 1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? \*

Yes

## Proposed designated proponent organisation details

**ABN/ACN** 74626224495

**Organisation name** VICKERY COAL PTY LTD

**Organisation address** PO Box 600, Gunnedah, NSW 2380

## Proposed designated proponent details

**Name** Tony Dwyer

**Job title** Whitehaven Group Manager, Approvals and Assessments

**Phone** 0000000000

**Email** tdwyer@whitehavencoal.com.au

**Address** PO Box 600, Gunnedah, NSW 2380

## 1.3.4 Identity: Summary of allocation

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### ✔ Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

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ABN/ACN	74626224495
Organisation name	Vickery Coal Pty Ltd
Organisation address	PO Box 600, Gunnedah, NSW 2380
Representative's name	Scott Mitchell
Representative's job title	Manager Approvals
Phone	(02) 6741 9300
Email	Smitchell@whitehavencoal.com.au
Address	231 Conadilly St, Gunnedah, NSW 2380

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### ✔ Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

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ABN/ACN	74626224495
Organisation name	VICKERY COAL PTY LTD
Organisation address	PO Box 600, Gunnedah, NSW 2380
Representative's name	Tony Dwyer
Representative's job title	Whitehaven Group Manager, Approvals and Assessments
Phone	0000000000
Email	tdwyer@whitehavencoal.com.au
Address	PO Box 600, Gunnedah, NSW 2380

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### ✔ Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

## 1.4 Payment details: Payment exemption and fee waiver

### 1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)? \*

No

### 1.4.3 Have you applied for or been granted a waiver for full or partial fees under Regulation 5.21A? \*

No

### 1.4.5 Are you going to apply for a waiver of full or partial fees under EPBC Regulation 5.21A?

No

### 1.4.7 Has the department issued you with a credit note? \*

No

### 1.4.9 Would you like to add a purchase order number to your invoice? \*

No

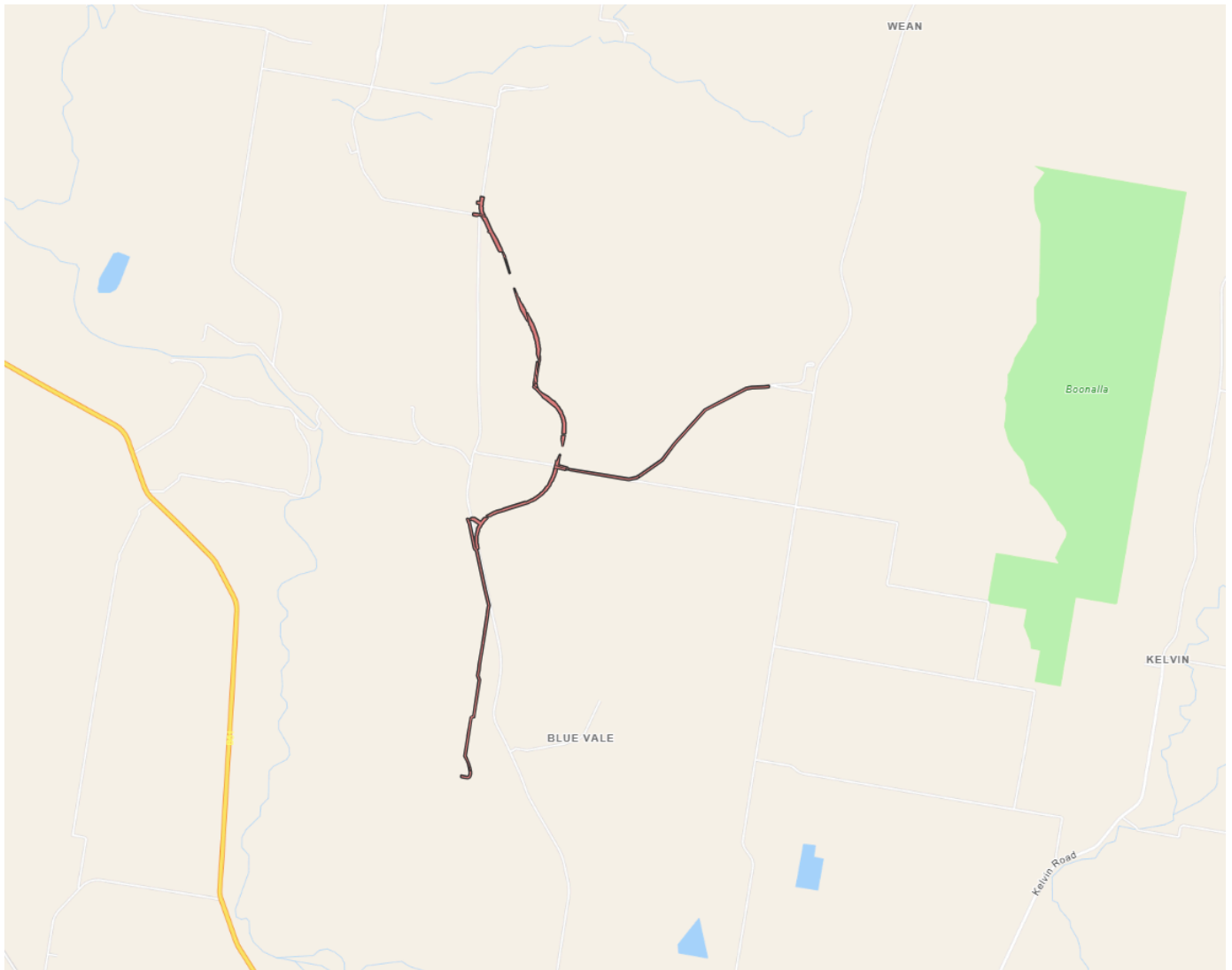
## 1.4 Payment details: Payment allocation

### 1.4.11 Who would you like to allocate as the entity responsible for payment? \*

Person proposing to take the action

## 2. Location

## 2.1 Project footprint



**Project Area: 50.62 Ha Disturbance Footprint: 50.62 Ha**

## 2.2 Footprint details

### 2.2.1 What is the address of the proposed action? \*

Blue Vale Road, Boggabri, NSW, 2382

### 2.2.2 Where is the primary jurisdiction of the proposed action? \*

New South Wales

### 2.2.3 Is there a secondary jurisdiction for this proposed action? \*

No

### 2.2.5 What is the tenure of the action area relevant to the project area? \*

The Project is located within the following:

- Coal Lease:
  - CL 316.
- Mining Lease:
  - ML 1718,
  - ML 1464,
  - ML 1471 and
  - ML 1838.

Land ownership and the mining and exploration tenements across the Action Area and surrounds are shown on Figure 4 in Attachment A. The proposed additional disturbance areas are within privately-owned land (with agreements in place), road corridors and land owned by Whitehaven or a subsidiary (freehold land).

## 3. Existing environment

## 3.1 Physical description

### 3.1.1 Describe the current condition of the project area's environment.

The Action Area is located approximately 25 km north of Gunnedah, in the Gunnedah Shire Council Local Government Area (LGA) and Narrabri Shire Council LGA.

The Action Area is within the Liverpool Plains IBRA subregion of the Brigalow Belt South IBRA region. The Action is also located within broad areas of known agricultural significance, including the New England North West Region, as defined in the *New England North West Strategic Regional Land Use Plan* (the New England North West SRLUP) (DPI, 2012).

The New England North West Region is an area of 9.9 million hectares (ha), including the LGAs of Armidale Dumaresq, Glen Innes Severn, Gunnedah, Guyra, Gwydir, Inverell, Liverpool Plains, Moree Plains, Narrabri, Tamworth Regional, Tenterfield, Uralla and Walcha (DPI, 2012).

The Project mining area is located on Whitehaven-owned land, which was predominantly used for cattle grazing under licence agreements with Whitehaven, prior to commencement of mining. The carrying capacity of the Project area is generally considered to be relatively low (SESL, 2018).

Land adjacent to the Project rail spur is used for grazing and cropping. The proposed pipeline routes are located within public and private road corridors, and in proximity or within cattle grazing paddocks on both Whitehaven-owned land and privately owned land.

The Project is located partially on land mapped as Bush Fire Prone by the NSW Rural Fire Services (RFS). Potential bushfire hazard management measures are implemented in accordance with the Bushfire Management Plan.

The Action Area and surrounding landscape are in a generally highly modified ecological condition due to long-term agricultural land uses, including livestock grazing and dryland cropping. These activities have resulted in extensive clearing, soil disturbance and fragmented vegetation, with native vegetation typically occurring as small, isolated patches surrounded by cleared or partially cleared paddocks. More intact areas of vegetation occur outside the Action Area, including Vickery State Forest and riparian corridors associated with the Namoi River.

Ecological surveys documented in Attachment C confirm that the Action Area comprises predominantly derived native grassland, disturbed woodland and cleared agricultural land, with limited areas of intact native vegetation. The Vegetation Integrity (VI) (i.e. vegetation condition) assessment (Attachment C) indicates that the two vegetation types relevant to the Action Area (Poplar Box and Grey Box) both have low VI scores, reflecting their already modified and degraded condition within the Action Area due to historic agriculture activities (i.e. livestock grazing and dryland cropping). These VI scores indicate that the vegetation condition is low.

Further detail regarding the current ecological condition, vegetation structure and habitat values of the Action Area is provided in Attachment C, including mapping, VI scoring and descriptions of existing landscape values.

### 3.1.2 Describe any existing or proposed uses for the project area.

The majority of the Vickery Coal Mine is currently cleared and is dominated by grassland areas with occasional re-growth trees. Scattered remnants of woodland, semi-cleared woodland and White Cypress Pine (*Callitris glaucophylla*) re-growth occur in the Vickery Coal Mine. In addition, the Vickery Coal Mine includes small areas of land that have been previously disturbed by mining activities and are now rehabilitated.

The Gunnedah Shire and Narrabri Shire LGAs have a long history of rural land use for a variety of agricultural activities, predominantly grazing. The Gunnedah Shire and Narrabri LGAs also have a strong history of coal mining. Both agriculture and coal mining have played an important role in the region from a social and economic perspective. The majority of the Vickery Coal Mine and Action area has been historically cleared for agriculture, primarily livestock grazing, with some dryland cropping.

The Gunnedah Coal basin contains NSW third largest coal reserves and coal seam gas potential. Open cut and underground mining activities were previously conducted in the Project area by Rio Tinto in the late 1990s. Three areas associated with historical open cuts and associated waste rock emplacements (the Red Hill Pit, Greenwood/Shannon Hill Pit and Blue Vale Pit) are located within CL 316.

The Vickery State Forest is located to the east of the Vickery Coal Mine and is used for forestry and limited recreational purposes.

### **3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.**

The Pilliga Nature Reserve occurs approximately 30 km to the west of the Action area. The Pilliga Nature Reserve is an expansive heathland, home to over 350 species of fauna. Mount Kaputar National Park is located approximately 40 km north of the Action area and is well recognised for the Nandewar Ranges within, formed by volcanic eruptions.

### **3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.**

The elevation of the south-eastern part of the Project area ranges from approximately 330 m Australian Height Datum (AHD) near the boundary of the Vickery State Forest, to around 270 m AHD at the southern extent of the Vickery open cut.

## 3.2 Flora and fauna

### 3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

The Action is located within the Brigalow Belt South Region Interim Biogeographic Regionalisation for Australia (IBRA) and Liverpool Plains IBRA sub-region.

Ecological surveys show the Action Area supports a typical mix of woodland, grassland and farmland species within a highly modified agricultural landscape. Vegetation is dominated by common eucalypts, acacias and native grasses, with exotic pasture species typical in highly disturbed areas. Known fauna in Action Area is characteristic of woodland-farmland environments (e.g. common birds, kangaroos, possums, etc.). Overall, the flora and fauna within the Action Area reflect a fragmented landscape with scattered remnant habitat.

#### Ecological Surveys

Recent targeted surveys undertaken by EcoPlanning (2024) (refer to Attachment C) and Ausecology (2024) (refer to Attachment C) in December 2023, February 2024, March 2024, April 2024, May 2024 and September 2024, along with surveys undertaken since the approval of the Vickery Extension Project, identified the following threatened species (recorded since 2020) and ecological communities listed under the EPBC Act within the Action area and surrounds. Threatened fauna and flora species records are shown on Figures 5a to 5e in Attachment A:

- Southern Whiteface (*Aphelocephala leucopsis*);
- Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*);
- Diamond Firetail (*Stagonopleura guttata*);
- Koala (*Phascolarctos cinereus*);
- Swift Parrot (*Lathamus discolor*);
- Corben's Long-eared Bat (*Nyctophilus corbeni*);
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia; and
- Poplar Box Grassy Woodland on Alluvial Plains.

No threatened flora species or populations were recorded in the Action area during recent surveys (Attachment C).

### 3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

## Vegetation

The Action area is located within the Brigalow Belt South Region Interim Biogeographic Regionalisation for Australia (IBRA) and Liverpool Plains IBRA sub-region.

The area is dominated by grassland areas with occasional re-growth trees. Scattered remnants of woodland, semi-cleared woodland and White Cypress Pine (*Callitris glaucophylla*) re-growth occur in the Project area.

## Geology

The Action area occurs within the Namoi CMA region, the North West Local Land Service region and the Gunnedah Basin geological formation on the NSW North West Slopes and Plains.

The Gunnedah Basin developed in a trough between the Lachlan Fold Belt to the west and the New England Fold Belt on the eastern side of the Mooki Thrust (Pratt, 1998). The Gunnedah Basin lies within the Namoi River catchment that is bounded by the Liverpool Range to the south, the Great Dividing Range to the east, the Nandewar Range to the north and the Pilliga Scrub to the west.

Most of the lower lying areas of the Namoi Valley comprise Quaternary alluviums from which the native vegetation has been almost completely cleared for agriculture.

Within the Gunnedah Basin native vegetation persists on the steep terrain of small inselbergs, such as Mount Binalong and Goonbri Mountain that respectively comprise remnants of former Jurassic and Tertiary volcanic landscapes, and the poorer soils of Early Permian sediments, including the Maules Creek, Goonbri and Leard Formations of the Leard and Vickery State Forests.

The main soil types mapped in the Project area are Dermosols and Sodosols, with smaller areas of Anthrosols, Vertosols, Stratic Rudosols, Chromosols, Ferrosols, Tenosols and Kandosols also observed (SESL, 2018).

SESL (2018) also determined the land and soil capability of the Project area in accordance with the *Land and Soil Capability Assessment Scheme* (OEH, 2012) and assessed the land and soil capability as ranging from Class II to Class VI.

The topsoil is neither saline nor sodic and is not strongly acidic. The topsoil is slightly acidic to moderately alkaline, and generally within an ideal range for plants.

Where pH is elevated, it could be lowered through applications of iron sulphate, however this is unnecessary if vegetation tolerant of alkaline soils is used.

## 3.3 Heritage

### 3.3.1 Describe any Commonwealth Heritage Places Overseas or other places recognised as having heritage values that apply to the project area.

There are no World Heritage or National Heritage sites within the vicinity of the Action area that would be directly or indirectly impacted by the Action. The nearest World Heritage site is the Gondwana Rainforests of Australia located 150 km East of the Action Area. The nearest National Heritage site is the Warrumbungle National Park located 105 km south west of the Action Area.

### 3.3.2 Describe any Indigenous heritage values that apply to the project area.

The Action area is located on lands covered by the Kamilaroi (or Gamilaraay) dialect of the “Darling Tributaries” languages. At the time of first contact with European observers, the Kamilaroi were hunter-fisher-gatherers and appear to have led a semi-nomadic lifestyle.

The reports by Allan Cunningham and Major Thomas Mitchell indicate that such villages were associated with substantial permanent water supplies, such as at Barbers Lagoon (approximately 4.5 km north-west of the Project) on the Namoi River.

It is expected that traditional values and activities remained on the Liverpool Plains, practiced by the Kamilaroi people up until the 20th century. In the early 20th century Aboriginal people in the area were settled on reserves at Baan Baa and Borah Crossing, approximately 30 to 40 km north-west and south-east of the Project, respectively.

The number of Kamilaroi people is reported to have declined over time due to the loss of land, disturbance to the environment and to social networks and the influence of disease. Post-contact, many Kamilaroi people are reported to have worked in association with pastoral stations and homesteads.

The Action area was part of the tribal lands of the Kamilaroi Aboriginal people who inhabited the Gunnedah Basin. European settlement of the area began in 1835 with the establishment of a sheep run called Namoi Hut at the confluence of the Namoi River and Cox’s Creek.

## 3.4 Hydrology

**3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. \***

## **Surface Water**

### ***Regional Hydrology***

The Action area is situated within the Namoi catchment. The Namoi River is located to the west of the Project mining area and generally flows in a north-westerly direction from its headwaters in the Great Dividing Range. The Namoi catchment is part of the Murray-Darling System and covers an area of approximately 4.2 million ha.

The catchment is bordered by the Great Dividing Range east of Tamworth, the Liverpool Ranges and Warrumbungle Ranges in the south, and the Nandewar Ranges and Mount Kaputar to the north. The Project area is situated within the Lower Namoi Regulated River Water Source under the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*.

The Namoi River is a tributary of the Barwon River that ultimately flows to the Murray-Darling System.

### ***Local Hydrology***

The Action area is largely located within the Stratford Creek and Driggle Draggie Creek sub-catchments, which ultimately flow into the Namoi River south of Boggabri.

The southern part of the Action area (the proposed Ovenden pipeline) traverses the flatter land to the south of the Vickery Coal Mine associated with the Namoi River floodplain.

### ***Surface Water Quality***

Baseline surface water quality modelling was presented in the Project EIS. Due to the ephemeral nature of most local watercourses around the Vickery Coal Mine (apart from the Namoi River), there was little water quality monitoring data available. The available monitoring data revealed that water quality around the Project was characterised by moderate alkalinity and elevated electrical conductivity.

## **Groundwater**

The Action area is located within an area of surface expression of the Permian-aged sedimentary rocks of the Maules Creek Formation. The Upper Namoi Alluvium associated with the floodplains of the Namoi River is located to the north, west and south of the Project area.

A conceptual geological model of the existing groundwater regime was developed by HydroSimulations (2018), based on a review of the available baseline groundwater data and relevant water sharing plans.

The two groundwater systems identified in the relevant water sharing plans, within the Project mining area and surrounds, are:

- Alluvial groundwater system – associated with the unconsolidated alluvial sediments of the Namoi River floodplains.
- Porous rock groundwater system – including coal measures of the Maules Creek Formation. *Alluvial Groundwater System*

### ***Alluvial Groundwater System***

The Vickery Coal Mine mining area is bordered by alluvial sediments deposited by the Namoi River, Driggle Draggie Creek and Stratford Creek. These alluvial sediments are subdivided into two formations, although they are not always distinguishable. The uppermost Narrabri Formation consists predominantly of clays with minor sand and gravel beds. Underlying the Narrabri Formation is the Gunnedah Formation, which consists predominantly of gravel and sand with minor clay beds.

The alluvium grades into colluvium material at the lower break of slope on the western boundary of the mining area. Colluvium is distinct from alluvium as it is derived from loose, unconsolidated sediments that are deposited at the base of slopes by rain-wash, sheet-wash, slow continuous downslope creep, or a combination of these processes. Colluvium consists predominantly of clays and is typically unsaturated.

***Maules Creek Formation Groundwater System***

Contour maps of recent measured and inferred watertable levels at regional and local scales were prepared as part of the Project EIS Groundwater Assessment, based on long-term average groundwater levels at NSW DCCEE – Water Group and mine-owned monitoring sites in the vicinity of the Project area (HydroSimulations, 2018).

The data indicate groundwater levels follow topography, with a groundwater mound corresponding with the higher elevations in the Vickery State Forest and decreasing groundwater levels as elevations decrease towards the Namoi River. This results in an overall direction of groundwater flow towards the west, south-west and north-west (i.e. from the hills of the Vickery State Forest towards the adjoining floodplains).

The groundwater level data indicate the watertable within the Project mining area typically occurs approximately 20 m to 50 m below ground level (HydroSimulations, 2018).

***Groundwater Quality***

Groundwater quality within and surrounding the Vickery Coal Mine mining area (i.e. on the eastern side of the Namoi River) is highly variable but generally poor, with most groundwater suitable only for livestock and irrigation of some salt tolerant crops. The highest groundwater salinity is associated with the Maules Creek Formation but is also apparent in the shallow alluvium and colluvium in the vicinity of the northern extent of the Project (HydroSimulations, 2018).

## 4. Impacts and mitigation

## 4.1 Impact details

**Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.**

<b>EPBC Act section</b>	<b>Controlling provision</b>	<b>Impacted</b>	<b>Reviewed</b>
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	No	Yes
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

### 4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

#### 4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

\*

There are no world heritage sites within the vicinity of the Proposed Project Area that would be directly or indirectly impacted by the Action.

### 4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

#### 4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \*

No

#### 4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.

\*

There are no national heritage sites within the vicinity of the Action Area that would be directly or indirectly impacted by the Action.

### 4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Ramsar wetland
No	No	Banrock Station Wetland Complex
No	No	Riverland
No	No	The Coorong, and Lakes Alexandrina and Albert Wetland

**4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

There are no Ramsar wetlands within the vicinity of the Action Area that would be directly or indirectly impacted by the Action.

**4.1.4 Threatened Species and Ecological Communities**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

### Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	<i>Androcalva procumbens</i>	
No	No	<i>Anomalopus mackayi</i>	Five-clawed Worm-skink, Long-legged Worm-skink
No	No	<i>Anthochaera phrygia</i>	Regent Honeyeater
Yes	Yes	<i>Aphelocephala leucopsis</i>	Southern Whiteface
No	No	<i>Aprasia parapulchella</i>	Pink-tailed Worm-lizard, Pink-tailed Legless Lizard
No	No	<i>Botaurus poiciloptilus</i>	Australasian Bittern
No	No	<i>Cadellia pentastylis</i>	Ooline
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calyptorhynchus lathami lathami</i>	South-eastern Glossy Black-Cockatoo
No	No	<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat, Large Pied Bat
Yes	Yes	<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (south-eastern)
No	No	<i>Dasyurus maculatus maculatus</i> (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	<i>Dichanthium setosum</i>	bluegrass
No	No	<i>Euphrasia arguta</i>	
No	No	<i>Falco hypoleucos</i>	Grey Falcon
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Grantiella picta</i>	Painted Honeyeater
No	No	<i>Hemiaspis damelii</i>	Grey Snake
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Species</b>	<b>Common name</b>
No	No	Homopholis belsonii	Belson's Panic
Yes	Yes	Lathamus discolor	Swift Parrot
No	No	Lepidium aschersonii	Spiny Peppercross
No	No	Lepidium monoplacoides	Winged Pepper-cross
No	No	Lophochroa leadbeateri leadbeateri	Major Mitchell's Cockatoo (eastern), Eastern Major Mitchell's Cockatoo, Pink Cockatoo (eastern)
No	No	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
No	No	Neophema chrysostoma	Blue-winged Parrot
Yes	Yes	Nyctophilus corbeni	Corben's Long-eared Bat, South-eastern Long-eared Bat
Yes	Yes	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	Polytelis swainsonii	Superb Parrot
No	No	Rostratula australis	Australian Painted Snipe
Yes	Yes	Stagonopleura guttata	Diamond Firetail
No	No	Swainsona murrayana	Slender Darling-pea, Slender Swainson, Murray Swainson-pea
No	No	Thesium australe	Austral Toadflax, Toadflax
No	No	Uvidicolus sphyrurus	Border Thick-tailed Gecko, Granite Belt Thick-tailed Gecko
No	No	Vincetoxicum forsteri	

## Ecological communities

<b>Direct impact</b>	<b>Indirect impact</b>	<b>Ecological community</b>
No	No	Coolibah - Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions
Yes	Yes	Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

Direct impact	Indirect impact	Ecological community
No	No	Natural grasslands on basalt and fine-textured alluvial plains of northern New South Wales and southern Queensland
Yes	Yes	Poplar Box Grassy Woodland on Alluvial Plains
No	No	Weeping Myall Woodlands
No	No	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland

**4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

Yes

**4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. \***

**Direct Impacts**

It is considered that the Action is likely to have a direct impact on the following threatened species and communities

- Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*);
- Diamond Firetail (*Stagonopleura guttata*);
- Southern Whiteface (*Aphelocephala leucopsis*);
- Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT));
- Swift Parrot (*Lathamus discolor*);
- Corben's Long-eared Bat (*Nyctophilus corbeni*);
- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia; and
- Poplar Box Grassy Woodland on Alluvial Plains.

**Native Vegetation Clearance**

The Action would involve the clearance of up to approximately 47.5 ha of native vegetation, including the following EPBC Act listed threatened ecological communities:

- approximately 14.4 ha of Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands Derived Native Grasslands of South-eastern Australia; and
- approximately 1.9 ha of Poplar Box Grassy Woodland on Alluvial Plains.

The Action Area would also involve direct impact on suitable habitat for the Koala (*Phascolarctos cinereus*), Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*), Diamond Firetail (*Stagonopleura guttata*), Southern Whiteface (*Aphelocephala leucopsis*) and Corben's Long-eared Bata (*Nyctophilus Corbeni*), and potential habitat for the Swift Parrot (*Lathamus discolor*).

**4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact?**

\*

Yes

**4.1.4.5 Describe why you consider this to be a Significant Impact. \***

Descriptions of matters that are likely to be significantly impacted by the proposed Action are provided below.

### **Threatened Species**

Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)  
(*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT))

The Action would directly impact the Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)) through clearance of approximately 21.3 ha of potential habitat within the Action Area (Attachment C). However, this species would continue to occur in the habitat outside of the Action Area given the wider extent of habitat occupied by the species.

Without the mitigation measures and offsets calculated under the NSW Biodiversity Offset Scheme (which has been endorsed by the Australian Government), the Action has the potential to significantly impact the Koala due to clearance of habitat (Attachment C).

Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*)

The Brown Treecreeper (south-eastern) is known to be present in the locality, with areas of suitable habitat and 13 individuals identified (Attachment C). Within the Action Area, it is associated with PCTs 78, 81, 101, 592 and 594, of which a total of 47.5 ha will be disturbed by the Action. The Action would directly impact the Brown Treecreeper (eastern subspecies) (*Climacteris picumnus victoriae*) through clearance of suitable habitat within the Action Area. However, this species would continue to occur in the habitat outside of the Action Area given the wider extent of habitat occupied by the species.

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this species (Attachment C).

Diamond Firetail (*Stagonopleura guttata*)

The Diamond Firetail (*Stagonopleura guttata*) is known to be present in the locality, with areas of suitable habitat and three individuals identified. Within the Action Area, it is associated with PCTs 27, 78, 81, 101, 592 and 594, of which a total of 47.5 ha will be disturbed by the Action (Attachment C).

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this species (Attachment B).

Southern Whiteface (*Aphelocephala leucopsis*)

The Southern Whiteface (*Aphelocephala leucopsis*) is known to be present in the locality; however, it is not associated with any PCTs that are present within the Action Area (Attachment C). Given that individuals were recorded, it is assumed that the Southern Whiteface has habitat within the Action Area that is at least somewhat suitable including PCTs 27, 78, 81, 101, 592 and 594, of which a total of 47.5 ha will be disturbed by the Action (Attachment C).

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this species (Attachment C).

Swift Parrot (*Lathamus discolor*)

Despite typically being associated with PCTs 81 and 592, there are no records of the Swift Parrot (*Lathamus discolor*) occurring in the Action area or surrounds (Attachment C). Notwithstanding, a total of 30.1 ha of suitable Swift Parrot habitat will be disturbed by the Action comprising 6.3 ha of disturbed woodland, 7.8 ha of good woodland, 1.6 ha of regenerated open forest and 14.4 ha of DNG (Attachment C).

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment B (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this species (Attachment C).

#### Corben's Long-eared Bat (*Nyctophilus corbeni*)

Corben's Long-eared Bat is assumed to be present within the Action Area, with targeted surveys identifying 125 calls that were determined to correspond to *Nyctophilus* spp (Attachment C).

While Corben's Long-eared Bat cannot be distinguished from these calls, the species was deemed highly likely to occur within the study area, having been previously recorded numerous times in the locality (Attachment B). Within the Action Area, Corben's Long-eared Bat is associated with PCTs 27, 78, 81, 101, 592 and 594, of which a total of 47.5 ha will be disturbed by the Action.

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this species (Attachment C).

### **Ecological Communities**

The following threatened ecological communities could be directly impacted by the proposed Action due to activities associated with opencut mining. Indirect impacts could include weeds and/or pests from adjacent disturbance areas (in the absence of appropriate mitigation).

#### Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia

Approximately 14.3 ha of Grey Box Grassy Woodlands and Derived Native Grasslands EEC would be cleared for the Action, of which most is disturbed, comprising approximately 4.6 ha of woodland/forest and 9.7 ha of DNG (Figures 5a, 5b and 5e). Impacts to this TEC (PCT 81) were minimised by excluding a soil stockpile that was originally proposed in the TEC area to minimise clearance of associated vegetation.

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this TEC.

#### Poplar Box Grassy Woodland on Alluvial Plains

Approximately 1.9 ha of Poplar Box Grassy Woodland EEC would be cleared for the Action (Figures 5b, 5c and 5d). Impacts to this TEC (PCT 101) were minimised by realigning sections of the proposed Ovenden pipeline, to minimise clearance of associated vegetation.

With the implementation of Biodiversity Management Measures 1 to 4 described in Section 8 of Attachment C (Section 4.1.4.10) and after consideration of the *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (DotE, 2013), the Action is unlikely to significantly impact this TEC.

#### **4.1.4.7 Do you think your proposed action is a controlled action? \***

Yes

**4.1.4.8 Please elaborate why you think your proposed action is a controlled action. \***

The proposed Action is likely to be a controlled Action due to potential significant impacts on threatened ecological communities and threatened species.

**4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. \***

The Action was designed to avoid and minimise clearance of native vegetation/habitats. Key measures to avoid direct and indirect impacts on biodiversity values are as follows:

- To avoid clearance of Weeping Myall Open Woodland:
  - The revised Blue Vale Road realignment design at the connection with the existing Blue Vale Road was varied.
  - A variation in the revised design for the approved realignment of the Blue Vale Road at the connection with the existing Blue Vale Road.
- To reduce clearance of Poplar Box Woodland:
  - The proposed Ovenden pipeline heading south from the approved disturbance footprint was realigned in sections.
- To reduce clearance of Grey Box Woodland:
  - A proposed soil stockpile was excluded.
- The construction footprints for the water supply pipelines have been designed to avoid direct impact to canopy trees, with access to the pipeline construction footprints using existing adjacent access roads/tracks where possible.

There is an existing approved Biodiversity Management Plan for the Project which documents the measures to mitigate and manage impacts. There is also an existing approved Koala Management Plan which aims to provide management strategies to minimise potential adverse impacts that may occur to the Koala and/or its habitat.

Table 7 in Attachment C provides 16 biodiversity measures to mitigate and manage impacts on biodiversity values from the Action as per the BDAR for the Modification (Resource Strategies, 2025), including additional commitments related to the Local Biodiversity Enhancement Measure area surrounding the Vickery Coal Mine (Figure 6).

**4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. \***

The NSW Biodiversity Offsets Scheme (BOS) rules require that impacts on vegetation communities and threatened species are offset by retiring biodiversity credits. Credits to be traded as offsets must be 'like-for-like', that is, they must represent vegetation of the same Offset Trading Group (OTG) as that impacted. Species credits and/or ecosystem credits have been calculated for impacts on significantly impacted threatened species and are provided below and further detailed in the BDAR:

- Grey Box Grassy Woodlands and Derived Native Grasslands EEC – 14.4 ha clearance limit, 259 ecosystem credits.
- Poplar Box Grassy Woodland EEC – 25 ha clearance limit, 85 ecosystem credits.
- Brown Treecreeper (south-eastern) (*Climacteris picumnus victoriae*) – 55.2 ha clearance limit, 584 ecosystem credits.
- Diamond Firetail (*Stagonopleura guttata*) – 55.2 ha clearance limit, 584 ecosystem credits.
- Southern Whiteface (*Aphelocephala leucopsis*) – 55.2 ha clearance limit, 584 ecosystem credits.
- Swift Parrot (*Lathamus discolor*) – 30.2 ha clearance limit, 584 ecosystem credits.
- Koala (*Phascolarctos cinereus*) – 21.4 ha clearance limit, 621 species credits.
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – 55.2 ha clearance limit, 584 ecosystem credits.

#### 4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	<i>Actitis hypoleucos</i>	Common Sandpiper
No	No	<i>Apus pacificus</i>	Fork-tailed Swift
No	No	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper
No	No	<i>Calidris ferruginea</i>	Curlew Sandpiper
No	No	<i>Calidris melanotos</i>	Pectoral Sandpiper
No	No	<i>Gallinago hardwickii</i>	Latham's Snipe, Japanese Snipe
No	No	<i>Hirundapus caudacutus</i>	White-throated Needletail
No	No	<i>Motacilla flava</i>	Yellow Wagtail
No	No	<i>Pandion haliaetus</i>	Osprey

**4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.5.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The Action is unlikely to have a direct and/or indirect impact on migratory species as the Action Area does not contain important habitat for migratory species.

**4.1.6 Nuclear**

**4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

This Action does not involve nuclear activities.

**4.1.7 Commonwealth Marine Area**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

There are no Commonwealth Marine Areas within the vicinity of the Action Area that will be directly or indirectly impacted by the Action.

**4.1.8 Great Barrier Reef**

**4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The Great Barrier Reef is not located within proximity to the Action and would not be directly or indirectly impacted by the Action.

**4.1.9 Water resource in relation to large coal mining development or coal seam gas**

**4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? \***

No

**4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

### **Surface Water**

The Action area is situated within the Lower Namoi Regulated River Water Source under the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*. The Namoi River is a tributary of the Barwon River, which ultimately flows to the Murray-Darling Basin. The Action area is largely located within the Stratford Creek and Driggle Draggie Creek sub-catchments, which flow into the Namoi River south of Boggabri. The south-western extent of the Project area lies within the Namoi catchment.

The Action would not involve any change to the approved Project's water storage, discharge, or overall water usage. Water transfers through the proposed pipelines would be consistent with processes for the existing and approved Project Water Management System, which is designed to:

- separate clean and mine-affected runoff;
- capture, store and reuse mine-affected water on site; and
- prevent uncontrolled discharges to downstream environments.

The water to be transferred via the pipelines would be sourced from existing lawful extractions under Water Access Licences held by the Ovenden landholder.

Accordingly, the Action would not change surface water flow regimes, water usage, or quality within the Namoi River or its tributaries.

### **Groundwater**

The Project area is underlain by the Permian-aged Maules Creek Formation, with the Upper Namoi alluvial aquifer occurring to the north, west and south of the Project area. The two groundwater systems relevant to the Project area are:

- alluvial groundwater system associated with the unconsolidated alluvial sediments of the Namoi River floodplain; and
- the porous rock groundwater system, including coal measures of the Maules Creek Formation.

Groundwater to be supplied to the Project via the proposed Ovenden pipeline would be extracted from existing, licensed bores located on the Ovenden property, in accordance with the conditions of Water Access Licences issued under the NSW Water Management Act 2000. These licences were granted in accordance with the Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020, which sets sustainable extraction limits and incorporates the requirements of the National Water Initiative.

The extraction and use of groundwater from these bores would occur irrespective of whether the Action proceeds, as the landholder is entitled to utilise their allocations for irrigation or other lawful purposes. Therefore, the Action would not result in any increase to groundwater extraction, change in groundwater levels, or alteration to aquifer connectivity or function. The integrity and extent of the Namoi alluvial groundwater system would remain unchanged.

Given the extraction is already authorised, managed and monitored under the NSW Water Management Act 2000, and the Action does not alter the total water take or introduce new sources of extraction, it is not expected to result in any measurable change to groundwater quantity or quality, nor to groundwater-dependent ecosystems.

## **4.1.10 Commonwealth Land**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

There is no Commonwealth land within the vicinity of the Action Area that will be directly or indirectly impacted by the Action.

**4.1.11 Commonwealth Heritage Places Overseas**

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

**4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? \***

No

**4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact.**

\*

The Action is situated on Australian mainland, with no director indirect impacts on Commonwealth heritage places overseas.

**4.1.12 Commonwealth or Commonwealth Agency**

#### 4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? \*

No

## 4.2 Impact summary

### Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

- Threatened Species and Ecological Communities (S18)

### Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

## 4.3 Alternatives

### 4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? \*

No

### 4.3.8 Describe why alternatives for your proposed action were not possible. \*

The Action Area has been formulated by Whitehaven in consideration of a number of factors, including environmental, engineering, technical and financial considerations. Figure 2 illustrates the impact avoidance areas that were incorporated into the design of the Action.

The Action Area is considered the optimal location for the Action.

## 5. Lodgement

## 5.1 Attachments

## 1.2.1 Overview of the proposed action

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	VEP MOD1_EPBC Ref_Figure 1.pdf Attachment A - Figure 1		No	High
#2.	Document	VEP MOD1_EPBC Ref_Figure 2.pdf Attachment A - Figure 2		No	High
#3.	Document	VEP MOD1_EPBC Ref_Figure 3.pdf Attachment A - Figure 3		No	High

## 1.3.2.17 (Person proposing to take the action) Proposer's history of responsible environmental management

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Att B - Environmental Management and Compliance History of VCPL.pdf Att B - Environmental Management and Compliance History of VCPL		No	High

## 2.2.5 Tenure of the action area relevant to the project area

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Attachment A - Figure 4.pdf Figure 4		No	High

## 3.2.1 Flora and fauna within the affected area

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	Attachment A - Figures.pdf Attachment A - Figures	10/12/2025	No	High
#2.	Document	Attachment C – Appendix A - Part 1.pdf Attachment C – Appendix A - Part 1.pdf	10/12/2025	No	High
#3.	Document	Attachment C – Appendix A - Part 10.pdf Attachment C – Appendix A - Part 10		No	High
#4.	Document	Attachment C – Appendix A - Part 11.pdf Attachment C – Appendix A - Part 11		No	High
#5.	Document	Attachment C – Appendix A - Part 12.pdf Attachment C – Appendix A - Part 12		No	High
#6.	Document	Attachment C – Appendix A - Part 13.pdf Attachment C – Appendix A - Part 13		No	High
#7.	Document	Attachment C – Appendix A - Part 14.pdf		No	High

Attachment C – Appendix A - Part 14				
#8.	Document	Attachment C – Appendix A - Part 15.pdf Attachment C – Appendix A - Part 15	No	High
#9.	Document	Attachment C – Appendix A - Part 16.pdf Attachment C – Appendix A - Part 16	No	High
#10.	Document	Attachment C – Appendix A - Part 2.pdf Attachment C – Appendix A - Part 2	No	High
#11.	Document	Attachment C – Appendix A - Part 3.pdf Attachment C – Appendix A - Part 3	No	High
#12.	Document	Attachment C – Appendix A - Part 4.pdf Attachment C – Appendix A - Part 4	No	High
#13.	Document	Attachment C – Appendix A - Part 5.pdf Attachment C – Appendix A - Part 5	No	High
#14.	Document	Attachment C – Appendix A - Part 6.pdf Attachment C – Appendix A - Part 6	No	High
#15.	Document	Attachment C – Appendix A - Part 7.pdf Attachment C – Appendix A - Part 7	No	High
#16.	Document	Attachment C – Appendix A - Part 8.pdf Attachment C – Appendix A - Part 8	No	High
#17.	Document	Attachment C – Appendix A - Part 9.pdf Attachment C – Appendix A - Part 9	No	High
#18.	Document	Attachment C.pdf Attachment C	10/12/2025 No	High

4.1.4.5 (Threatened Species and Ecological Communities) Why you consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment A - Figures.pdf Attachment A - Figures	09/12/2025	No	High
#2.	Document	Attachment C.pdf Attachment C	09/12/2025	No	High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Attachment A - Figures.pdf Attachment A - Figures	09/12/2025		High
#2.	Document	Attachment C.pdf Attachment C	09/12/2025		High

## 4.3.8 Why alternatives for your proposed action were not possible

	<b>Type</b>	<b>Name</b>	<b>Date</b>	<b>Sensitivity</b>	<b>Confidence</b>
#1.	Document	VEP MOD1_EPBC Ref_Figure 2.pdf Figure 2		No	High

## 5.2 Declarations

## ✔ Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

---

ABN/ACN	74626224495
Organisation name	Vickery Coal Pty Ltd
Organisation address	PO Box 600, Gunnedah, NSW 2380
Representative's name	Scott Mitchell
Representative's job title	Manager Approvals
Phone	(02) 6741 9300
Email	Smitchell@whitehavencoal.com.au
Address	231 Conadilly St, Gunnedah, NSW 2380

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

By checking this box, I, **Scott Mitchell of Vickery Coal Pty Ltd**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

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## ✔ Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

---

ABN/ACN	74626224495
Organisation name	VICKERY COAL PTY LTD
Organisation address	PO Box 600, Gunnedah, NSW 2380
Representative's name	Tony Dwyer

Representative's job title Whitehaven Group Manager, Approvals and Assessments

Phone 0000000000

Email tdwyer@whitehavencoal.com.au

Address PO Box 600, Gunnedah, NSW 2380

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

I, **Tony Dwyer of VICKERY COAL PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.

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### **Completed Proposed designated proponent's declaration**

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

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Same as Person proposing to take the action information.

Check this box to indicate you have read the referral form. \*

Check this box to confirm these are the correct identification details. \*

I, **Tony Dwyer of VICKERY COAL PTY LTD**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. \*

You may receive automated notifications that aim to assist you in tracking the progress of your project. You can opt out of these notifications by updating your communication preferences on your profile.