

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999
DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Wildlife Division, a delegate for the purposes of section 133 of the Act, approve the taking of the following action:

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales (EPBC 2002/629) by Warkworth Mining Ltd subject to the conditions set out in ANNEXURE 1.

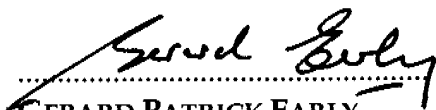
This approval has effect for:

Sections 18 and 18A (Listed threatened species and ecological communities) of the *Environment Protection and Biodiversity Conservation Act 1999*; and

Sections 20 and 20A (Listed migratory species) of the *Environment Protection and Biodiversity Conservation Act 1999*

This approval has effect until 25 February 2039.

Dated this 18th day of February 2004



GERARD PATRICK EARLY
FIRST ASSISTANT SECRETARY
APPROVALS AND WILDLIFE DIVISION

ANNEXURE 1

1. Warkworth Mining Ltd must not clear any vegetation in the areas designated as Non Disturbance Areas (NDA's) in Annexure 2 without the prior written agreement of the Minister.
2. Within three months of the date of this approval, Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species. The plan must include measures to:
 - (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
 - (b) define and implement a compensatory habitat strategy;
 - (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
 - (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
 - (e) develop and undertake a flora and fauna monitoring program; and
 - (f) review and report on flora and fauna management and the compensatory habitat strategy; and
 - (g) stakeholder consultation.

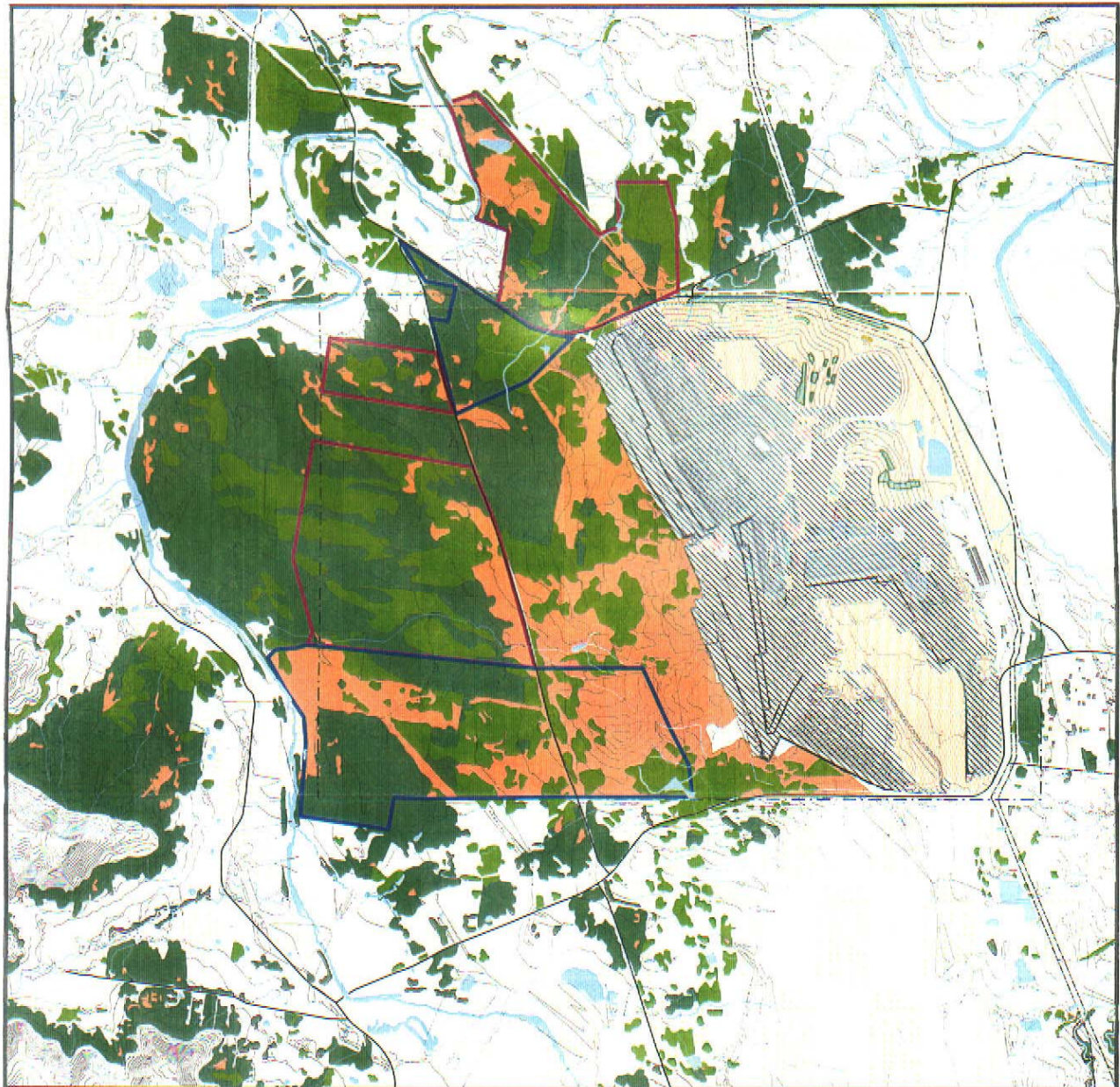
The approved action must not commence until the plan has been approved. The approved plan must be implemented.

3. Within five years of the commencement of this action, and every subsequent five years, Warkworth Mining Ltd must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
4. If Warkworth Mining Ltd wishes to carry out any activity otherwise than in accordance with the plan referred to in paragraph 2, Warkworth Mining Ltd may submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
5. If the Minister believes that it is necessary or desirable for the better protection of the listed threatened and migratory species to do so, the Minister may request Warkworth Mining Ltd make specified revisions to the plan approved pursuant to paragraph 2 and submit the revised plan for the Minister's approval. Warkworth Mining Ltd must comply with any such request. The revised approved plan must be implemented.
6. If, at any time after 5 years from the date of this approval, the Minister notifies Warkworth Mining Ltd in writing that the Minister is not satisfied that there has been substantial commencement of the Warkworth Coal Mine extension, the Warkworth Coal Mine extension must not thereafter be commenced.

Definitions:

Non Disturbance Area: precludes open cut mining and agriculture

Habitat Management Area: offsets the short and medium term loss of habitat and ensure connectivity until the rehabilitation of the mined land can restore these values



Year 0 Vegetation

Figure 3.1



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Warkworth Coal Mine Extension (EPBC 2002/629)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted

Warkworth Mining Ltd

ABN: 42 001 385 842

Approved action

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales
[see EPBC Act Referral 2002/629]

Variation

Variation of conditions of approval

The variation is:
Delete condition 1 attached to the variation dated 6 August 2014 and substitute the condition specified below.

Add the definitions specified below.

Note: All other conditions including the definitions in the approval dated 6 April 2004 subsequent variations remain unchanged.

Date of effect

This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position

Monica Collins
Assistant Secretary
Compliance & Enforcement Branch

Signature

Date of decision

14 November 2016

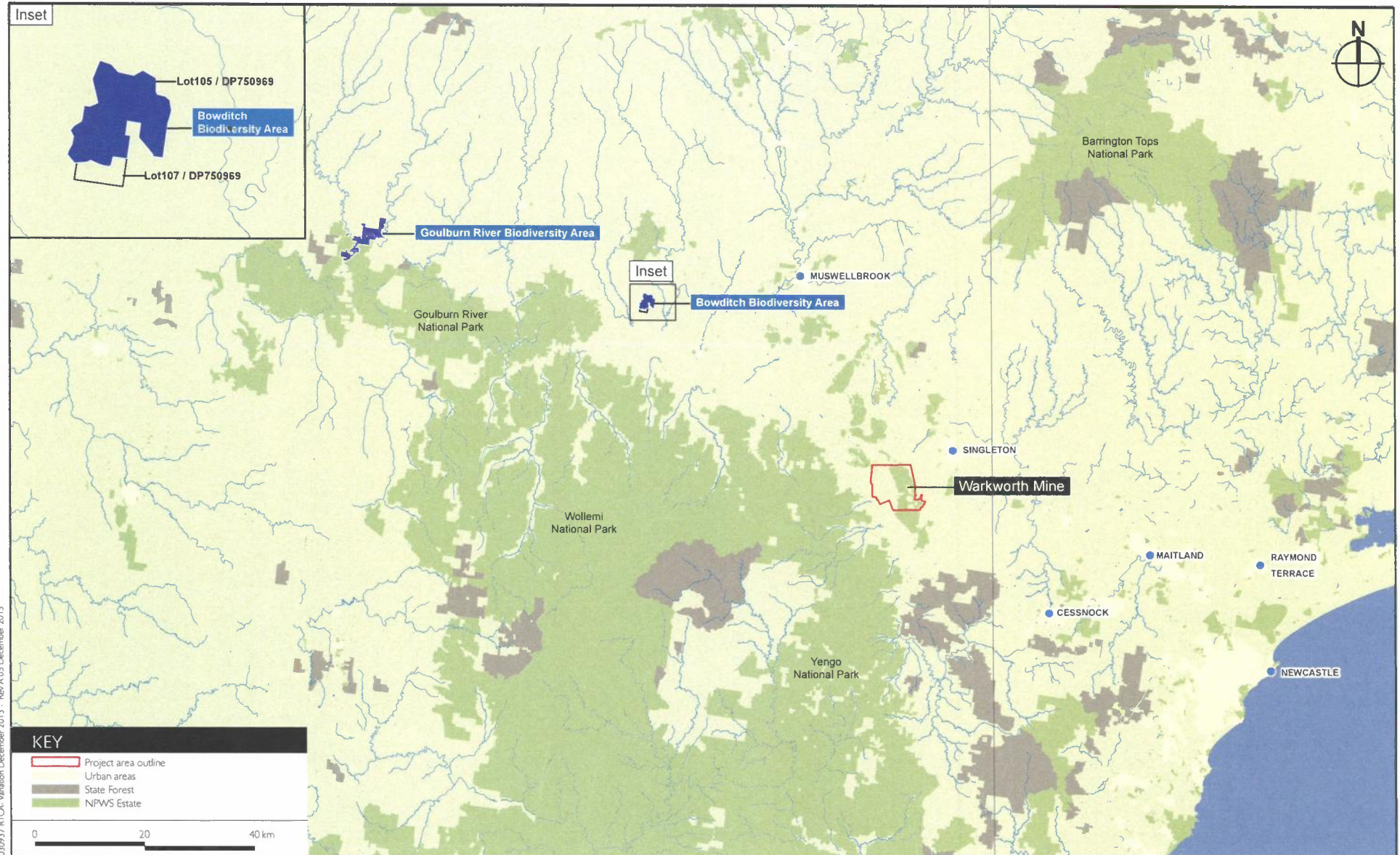
Condition attached to the approval

1. By no later than 17 February 2018, unless otherwise agreed by the **Minister** in writing, the person taking the action must register the Biodiversity Management Areas identified in the map at Attachment A under a **legally secured offset mechanism**. The mechanism must provide enduring protection of no less than:
 - a) 1,586 ha of suitable habitat for *Anthochaera phrygia* (regent honeyeater) and *Lathamus discolor* (swift parrot).

Definitions:

Biodiversity Management Areas – property to be used as offset area.

Legally secured offset mechanism – a mechanism that must provide enduring protection for the land that will survive transfer of ownership, prevent any future development activities or clearing of native vegetation, and provide for the ongoing conservation management of the land in perpetuity.



030937 RTCA Variation December 2013 - Rev A 05 December 2013