



**Approval**

**Narrabri Coal Operations Pty Ltd, Narrabri, NSW  
EPBC Ref 2009/5003**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

<b>person to whom the approval is granted</b>	Narrabri Coal Operations Pty Ltd
<b>proponent's ACN</b>	107 813 963
<b>proposed action</b>	The conversion of the Narrabri Coal Mine from a continuous mining operation with an annual production rate of 2.5 Mtpa to a longwall mining operation with a maximum production rate of 8 Mtpa, as described in the Referral Documentation received on 20 July 2009, Preliminary Documentation dated 19 March 2010 and the NSW Director General's Environmental Assessment Report & Project Approval dated 26 July 2010.

**Approval decision**

<b>Controlling Provision</b>	<b>Decision</b>
Listed threatened species and communities (sections 18 & 18A)	Approved

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2040.

**Decision-maker**

<b>name and position</b>	James Barker A/g Assistant Secretary Environment Assessment Branch
<b>signature</b>	
<b>date of decision</b>	21/1/11

### **Approval conditions:**

1. The person undertaking the action must carry out the action in accordance with **Annexure 1** and the following documents: Referral Documentation received on 20 July 2009, Preliminary Documentation dated 19 March 2010 and the NSW Director General's Environmental Assessment Report & Approval Conditions dated 26 July 2010 and conditions of this approval. The conditions of this approval prevail to the extent of the inconsistency.
  
2. In order to mitigate impacts on EPBC Act listed threatened species and communities, by 31 December 2011, the person taking the action must implement the approved version of the biodiversity offset strategy which requires the following:
  - a) Secure the 933 hectare property known as "Kenna" as outlined in **Annexure 2**. The person taking the action must place a legally binding conservation covenant on title over the 933 hectare property which must be approved in writing by the Minister.
  - b) Develop and implement an active monitoring and management plan for "Kenna" for a period of 20 years to enhance White Box Grassy Woodland on the site as it provides habitat for the EPBC listed Superb Parrot. The active management plan must include:
    - i. Management actions including but not limited to, land rehabilitation and restoration measures, pest management, fencing, weed control, fire management, sediment and erosion control, exclusion of livestock and restrictions of access.
    - ii. Details of who is responsible for monitoring, reviewing and implementing the plan.
  - c) Clearly defined boundaries of "Kenna" offset area, through maps and textual descriptions as well as an accompanying shapefile.
  - d) Secure the 422 hectare property as outlined in **Annexure 3**. The person taking the action must place a legally binding conservation covenant on title over the 422 hectare property which must be approved in writing by the Minister.
  - e) Develop and implement an active monitoring and management plan for the site mentioned in (d) for a period of 20 years to enhance Red Ironbark – Brown Bloodwood Shrubby Woodland which provides habitat for EPBC listed *Bertya opponens* and for the White Box Grassy Woodland which provides habitat for the EPBC listed Superb Parrot. The active management plan must include:
    - i. Management actions including but not limited to, land rehabilitation and restoration measures, pest management, fencing, weed control, fire management, sediment and erosion control, exclusion of livestock and restrictions of access.
    - ii. Details of who is responsible for monitoring, reviewing and implementing the plan.
  - f) Clearly defined boundaries of the 422 hectare property mentioned in (d), through maps and textual descriptions as well as an accompanying shapefile.

The final version of the biodiversity offset strategy must be submitted to the Minister for approval. The approved strategy must be implemented.

3. In order to minimise potential impacts on EPBC Act listed threatened species and communities within the mine site, prior to any Works commencing and in accordance with the NSW Director General's Assessment Report and approval conditions (26 July 2010), the person undertaking the action must develop and implement an *Extraction Plan*. The final version of this plan must be submitted to the Department.
4. In order to minimise potential impacts on EPBC Act listed threatened species and communities within the mine site, prior to any Works commencing and in accordance with the NSW Director General's Assessment Report and approval conditions (26 July 2010), the person undertaking the action must develop and implement a *Water Management Plan*. The final version of this plan must be submitted to the Department.
5. In order to minimise potential impacts on EPBC Act listed threatened species and communities within the mine site, the person undertaking the action must actively manage progressive disturbance of the mine site in accordance with a *Rehabilitation Management Plan* for the life of the mine. The *Rehabilitation Management Plan* must be developed and implemented prior to any Works commencing and in accordance with the NSW Director General's Assessment Report and approval conditions (26 July 2010). The final version of this plan must be submitted to the Department.
6. Within 12 months prior to the Cessation of Operation of the Action and in accordance with the NSW Director General's Assessment Report and approval conditions (26 July 2010), the person undertaking the action must submit and implement a *Mine Closure Plan*. The person taking the action must have consideration to matters protected under the EPBC Act at this time and ensure that these matters will not be significantly impacted by the mine closure. The final version of this plan must be submitted to the Department.
7. Within 30 days of Commencement of the Action, the person undertaking the action must advise the Department in writing of the actual date of commencement.
8. Within three months of every 12 month anniversary of the Commencement of the Action, the person undertaking the action must provide a report to the Department demonstrating compliance with the conditions of this approval over the previous 12 months. This report must include details of how the plans required by the conditions of this approval have been implemented. Annual reports must be provided until the Minister is satisfied that the person undertaking the action has complied with all conditions of the approval.
9. Upon the direction of the Minister, the person undertaking the action 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.

10. If the person undertaking the action wishes to carry out any activity otherwise than in accordance with the strategies referred to in conditions 2 or 3 of this approval, the person undertaking the action must submit for the Minister's approval a revised version of any such strategy. The varied activity shall not commence until the Minister has approved the varied strategy in writing. If the Minister approves such a revised strategy, that strategy must be implemented in place of the strategy originally approved.
11. If the Minister believes that it is necessary or desirable for the better protection of EPBC Act listed threatened species and communities to do so, the Minister may request that the person undertaking the action make specified revisions to the strategies approved pursuant to conditions 2 or 3 of this approval and submit the revised strategies for the Minister's approval. The person undertaking the action must comply with any such request. The revised approved strategy must be implemented. Unless the Minister has approved the revised strategy then the person taking the action must continue to implement the strategy originally approved.
12. If, at any time after five years from the date of this approval, the person undertaking the action has not commenced the action, then the person undertaking the action must not commence the action without the written consent of the Minister.
13. The person undertaking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the management plans and strategies required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits may be posted on the Department's website. The results of audits may also be publicised through the general media.

**Definitions:**

**Commencement of the Action:** Commencement of any works on-site.

**Cessation of Operation of the Action:** Cessation of the operation of the mine site.

**Department:** The Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

**EPBC Act:** The *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**MtPa:** Million tonnes per annum.

**Minister:** The Minister responsible for the EPBC Act.

**Shapefile:** an ESR Shapefile, containing '.shp', '.shx' and '.dbf' files and other files capturing attributes including at least the EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

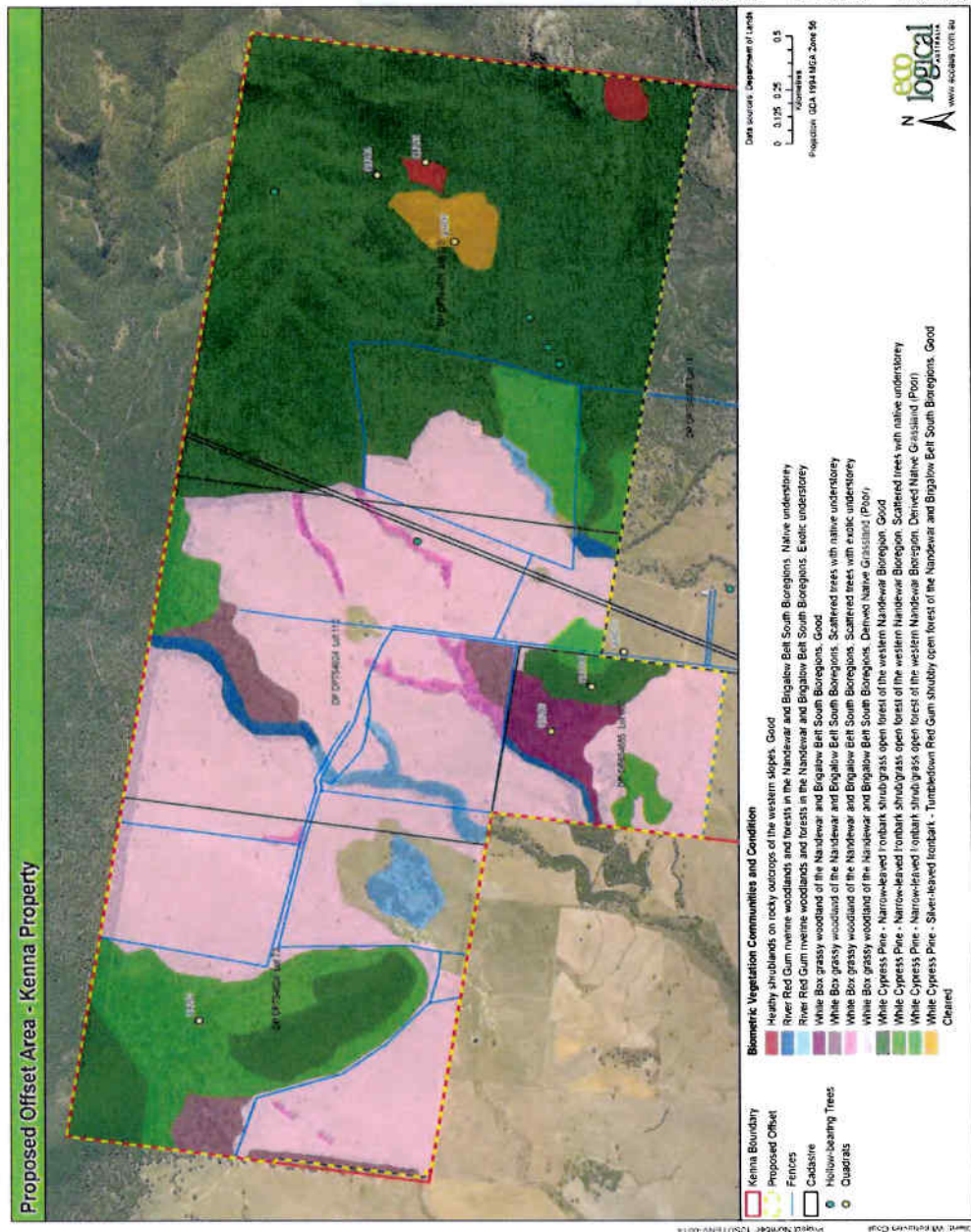
**Superb Parrot:** Fauna species listed as vulnerable under the EPBC Act

**Works:** Includes all preparatory works required to be undertaken including clearing vegetation, the erection of any on-site temporary structures and the use of heavy equipment for the purpose of breaking the ground for buildings or infrastructure.



# Annexure 2

## Proposed Offset Area - Kenna Property



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### Annexure 3

