



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

South Bates Extension Underground Mine, Warkworth, NSW (EPBC 2016/7816)

This decision to vary conditions 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	Wambo Coal Pty Limited ABN: 13 000 668 057
Approved action	To construct and operate a 505 ha extension of underground coal mining operations (longwall mining) in the Whybrow Seam at the Wambo Coal Mine, including the surface infrastructure needed to undertake this activity [See EPBC Act referral 2016/7816].

Variation

Variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 1, 2, 3, 4, 5, 6, 7 and 8 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Delete the definition of Commencement of the action attached to the approval and substitute with the definition for Commence/Commenced/Commencement of the action as specified in the table below.</p> <p>Add the definitions of Business Day and Website specified in the table below.</p> <p>Revoke the definition of Days</p>
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessments and Post Approvals Branch
Signature	
Date of decision	3/12/19

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	<p>1. The person taking the action must:</p> <ul style="list-style-type: none"> a. Implement administrative conditions A1 and A2 of Schedule 2 of the state development consent to minimise the impacts of the action on protected matters. b. Implement environmental performance conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to protected matters. c. Notify the Department in writing of any proposed change to the conditions of the state development consent referred to in conditions 1a and 1b, within 5 business days of formally proposing a change or becoming aware of any other proposed change. d. Notify the Department in writing of any change to conditions of the state development consent, referred to in conditions 1a to 1b, within 5 business days of a change to conditions being finalised.
As varied on the date this instrument was signed	<p>2. Within 25 business days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement of the action.</p>
As varied on the date this instrument was signed	<p>3. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans and strategies required by conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent on their website. Each management plan and strategy must be published on the website within 1 month of being approved by the Secretary and remain there for a period of no less than 5 years.</p>
As varied on the date this instrument was signed	<p>4. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the management plans and strategies required by conditions B1-B3, B7-B10, B51-B55 and B62-B68 of Schedule 2 of the state development consent, 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 this approval.</p>
As varied on the date this instrument was signed	<p>5. The person taking the action must publish a report on the website addressing compliance with each of the conditions of this approval, including implementation of any management plan, program, strategy and review required by condition 1. The reporting period and report publication must comply with conditions D10 and D15 of Schedule 2 of the state development consent. Documentary evidence providing proof of the date of publication must be provided to the Department (by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the Department) at the same time as the compliance report is published. The person taking the action must continue to publish the report until such time as agreed in writing by the Minister.</p>
As varied on the date this instrument was signed	<p>6. Any potential or actual contravention of the conditions of this approval, including contravention of a commitment made in a management plan or strategy required by condition 1 must be reported to the Department no later than 7 business days of the person taking the action becoming aware of the actual or potential contravention, by email to EPBCMonitoring@environment.gov.au or an address as stipulated by the Department.</p>
As varied on the date this instrument was signed	<p>7. Upon the direction of the Minister, the person taking 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 and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.</p>
As varied on the date this instrument was signed	<p>8. If, at any time after 5 years from the date of this approval, the person taking the action has not commenced the action, then the person taking the action must not commence the action without the written agreement of the Minister.</p>

Date of decision	Definitions attached to approval
Original dated 4/5/2018	Approval means the approval to take the action under section 133 of the EPBC Act as noted in the date of decision section of this approval.
As varied on the date this instrument was signed	Business Day means a day that is not a Saturday, a Sunday or a public holiday in the location of the action.
As varied on the date this instrument was signed	Commence / Commenced / Commencement of the action means any physical works, excluding fences and signage, associated with the action.
As varied on the date this instrument was signed	Days - Revoked
Original dated 4/5/2018	Department means the Australian Government department or any other agency administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) from time to time.
Original dated 4/5/2018	EPBC Act means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Original dated 4/5/2018	Minister means the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and includes a delegate of the Minister .
Original dated 4/5/2018	Protected matters means the matters protected by the controlling provisions for the action under Part 3 of the EPBC Act .
Original dated 4/5/2018	Secretary means the Secretary of the NSW Department of Planning & Environment, and includes a nominee of the Secretary .
Original dated 4/5/2018	State development consent means the development consent under Section 80 of the <i>NSW Environmental Planning & Assessment Act 1979</i> for application number DA 305-7-2003 as modified on 20 December 2017.
As varied on the date this instrument was signed	Website means a set of related web pages located under a single domain name attributed to the person taking the action and available to the public.

