



Approval

South Wambo underground coal mine extension, Singleton NSW (EPBC 2016/7636)

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

Proposed action

person to whom the approval is granted	Wambo Coal Pty Limited
proponent's ACN	ACN: 000 668 057
proposed action	The extension of underground coal mining operations (longwall mining) at the Wambo Coal Mine and related surface infrastructure and activities, 15km west of Singleton, NSW [See EPBC Act referral 2016/7636].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
Water resources/trigger (section 24D & 24E)	Approved

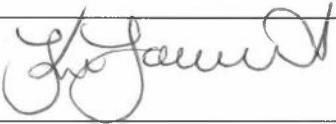
conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 March 2037.

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
signature	
date of decision	30.4.17

Conditions attached to the approval

1. The person taking the action must:
 - a. Not clear more than 0.9ha of Central Hunter Valley Eucalypt Forest and 3.4ha of foraging habitat for the Regent Honeyeater (*Anthochaera phrygia*).
 - b. Implement conditions 1, 2 and 2A of schedule 3 of the **state development consent** to minimise the impacts of the action on **protected matters**.
 - c. Implement environmental performance conditions 22 – 41A and 44 - 50 in Schedule 4 of the **state development consent**, where the conditions relate to avoiding, mitigating, managing, offsetting, monitoring or recording, or reporting on impacts to **protected matters**. In implementing these conditions, the approval holder must protect at least 18.3ha of Central Hunter Valley Eucalypt Forest and at least 27.7ha of foraging habitat for the Regent Honeyeater (*Anthochaera phrygia*) in perpetuity.
2. Within 30 days after the **commencement** of the action, the person taking the act on must advise the **Department** in writing of the actual date of **commencement** of the action.
3. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans, programs, strategies and reviews required by condition 1. Each management plan, program, strategy and review must be published on the website, and notification must be provided to the Department, within 1 month of being approved by the Secretary of the NSW Department of Planning & Environment (or nominee of the Secretary).
4. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement a management plan, program, strategy and review required by condition 1, 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.
5. The person taking the action must publish a report on their 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 5 and 12 of schedule 6 of the **state development consent**. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to 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**.
6. Any potential or actual contravention of the conditions of this approval, including contravention of a commitment made in a management plan, program, strategy and review required by condition 1 must be reported to the **Department** within 7 days of the person taking the action becoming aware of the actual or potential contravention.
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 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**.

8. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Definitions

Commencement means any physical works, excluding fences and signage, associated with the action.

Department means The Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.

Protected matters means the matters protected by the controlling provisions for the action under Part 3 of the EPBC Act. Listed threatened species and communities (sections 18 & 18A) matters concerning the Central Hunter Valley Eucalypt Forest Ecological Community, the Regent Honeyeater (*Anthochaera phrygia*). Water resources/trigger (section 24D & 24E) matters concerning groundwater, surface water and subsidence impacts.

State development consent means the development consent under Section 80 of the *NSW Environmental Planning & Assessment Act 1979* for application number DA 305-7-2003.