



**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
Narrabri Coal Mine, Stage 2 Longwall Project, Narrabri, NSW (EPBC
2009/5003)**

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	Narrabri Coal Operations Pty Ltd ACN: 129 850 139
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Approved action	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 [See EPBC Act referral 2009/5003].
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Variation

Variation of conditions attached to approval	The variation is: Delete condition 2 attached to the approval and substitute with the condition specified in the table below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessment (WA, SA, NT), Post Approvals and Policy Branch
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Signature	
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Date of decision	19/3/2020
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Date of decision	Conditions attached to approval
Original dated 21/1/2011	<p>1. The person undertaking the action must carry out the action in accordance with Annexure 1 and the following documents: the NSW Director General's Environmental Assessment Report & Approval Conditions dated 26 July 2010 (including subsequent revisions). The conditions of this approval prevail to the extent of any inconsistency.</p>
As varied on the date this instrument was signed	<p>2. In order to mitigate impacts on EPBC Act listed threatened species and communities, by 31 March 2021, the person taking the action must:</p> <ul style="list-style-type: none"> a) secure at least 933 hectares of offset on the "Kenna" property, comprising the area enclosed by the yellow line labelled 'Proposed Offset' shown in Annexure 2 under a legal conservation mechanism that has been agreed to in writing by the Department, and. b) secure at least 422 hectares of offset on-site, comprising the areas enclosed by a yellow line labelled 'On-site Offset Area (2019)' shown in Annexure 3, under a legal conservation mechanism that has been agreed to in writing by the Department. <p>Evidence of compliance with this condition must be provided to the Department within 30 days of finalising the legal conservation mechanism.</p> <p>The approval holder must report on progress meeting the requirements of a) and b) in each annual compliance report required under condition 8 and as otherwise requested by the Department.</p>
Original dated 21/1/2011	<p>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 <i>Extraction Plan</i>. The final version of this plan must be submitted to the Department.</p>
Original dated 21/1/2011	<p>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 <i>Water Management Plan</i>. The final version of this plan must be submitted to the Department.</p>
Original dated 21/1/2011	<p>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 <i>Rehabilitation Management Plan</i> for the life of the mine. The <i>Rehabilitation Management Plan</i> 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.</p>
Variation dated 8/12/2016	<p>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 dated 26 July 2010 (including subsequent revisions), the person undertaking the action must submit and implement a <i>Mine Closure Plan</i>. The person taking the action must have consideration of matters</p>



Date of decision	Conditions attached to approval
	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 .
Original dated 21/1/2011	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.
Original dated 21/1/2011	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.
Original dated 21/1/2011	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 .
Variation dated 8/12/2016	10. The person taking the action may choose to revise a management plan or strategy approved by the Minister under conditions 3, 4, 5, 6 and 14 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan or strategy would not be likely to have a new or increased impact . If the person taking the action makes this choice they must: <ul style="list-style-type: none"> i. notify the Department in writing that the approved plan or strategy has been revised and provide the Department with an electronic copy of the revised plan or strategy; ii. implement the revised plan or strategy from the date that the plan or strategy is submitted to the Department; and iii. for the life of this approval, maintain a record of the reasons the person taking the action considers that taking the action in accordance with the revised plan or strategy would not be likely to have a new or increased impact.
Variation dated 8/12/2016	10A. The person taking the action may revoke their choice under condition 10 at any time by notice to the Department . If the person taking the action revokes the choice to implement a revised plan or strategy, without approval under section 143A of the Act, the plan or strategy approved by the Minister must be implemented.
Variation dated 8/12/2016	10B. If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan or strategy would be likely to have a new or increased impact , then:



Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> i. Condition 10 does not apply, or ceases to apply, in relation to the revised plan or strategy; and ii. The person taking the action must implement the plan or strategy approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 10 and 10A in the period before the day the notice is given.</p> <p>At the time of giving the notice the Minister may also notify that for a specified period of time that condition 10 does not apply for one or more specified plans or strategies required under the approval.</p>
Variation dated 8/12/2016	10C. Conditions 10, 10A and 10B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan or strategy to the Minister for approval.
Revoked on 8/12/2016	11. Note: condition 11 was revoked in variation on 8 December 2016.
Revoked on 30/12/2014	12. Note: condition 12 revoked in variation on 30 May 2014.
Original dated 21/1/2011	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.
Variation dated 8/12/2016	<p>14. In order to mitigate impacts on EPBC Act listed threatened species and communities, the person taking the action must:</p> <ul style="list-style-type: none"> a) Develop and implement an active monitoring and management plan for the property mentioned in 2(a) 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: <ul style="list-style-type: none"> i. Management actions, including but not limited to, 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. b) Develop and implement an active monitoring and management plan for the site mentioned in (2b) for a period of 20 years to enhance Red Ironbark-Brown Bloodwood Shrubby Woodland which provides habitat for EPBC listed <i>Bertya opponens</i> and for the White Box Grassy Woodland which provides habitat for the EPBC listed Superb Parrot. The active management plan must include: <ul style="list-style-type: none"> i. Management actions, including but not limited to, land rehabilitation and restoration measures, pest management,



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	<p>fencing, weed control, fire management, sediment and erosion control, exclusion of livestock and restrictions of access.</p> <p>ii. Details of who is responsible for monitoring, reviewing and implementing the plan.</p> <p>c) Clearly define boundaries of the property mentioned in 2(a), through maps and textual descriptions as well as an accompanying Shapefile.</p> <p>d) Clearly define boundaries of the 422 hectare property mentioned in 2(b), through maps and textual descriptions as well as an accompanying Shapefile.</p> <p>The final Biodiversity Offset Strategy must be submitted to the Minister for approval by 31 December 2014. The approved strategy must be implemented.</p>

Date of decision	Definitions attached to approval
Original dated 21/1/2011	Commencement of the Action: Commencement of any works on-site.
Original dated 21/1/2011	Cessation of Operation of the Action: Cessation of the operation of the mine site.
Variation dated 8/12/2016	Department: 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 21/1/2011	EPBC Act: The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Variation dated 8/12/2016	Legal conservation 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.
Original dated 21/1/2011	MtPa: Million tonnes per annum.
Variation dated 8/12/2016	Minister: the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and includes a delegate of the Minister.
Variation dated 8/12/2016	New or increased impact: A new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan or strategy that has been approved by the Minister.
Original dated 21/1/2011	Shapefile: an ESRI 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.
Original dated 21/1/2011	Superb Parrot: Fauna species listed as vulnerable under the EPBC Act
Original dated 21/1/2011	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.



Australian Government

Department of Agriculture, Water and the Environment

Date of decision	Annexures
Variation dated 8/1/2016	Annexure 1 - Modified Narrabri Mine Indicative General Arrangement
Original dated 21/1/2011	Annexure 2 - Proposed Offset Area – Kenna Property
Variation dated 1/7/2019	Annexure 3 - Onsite Offsets

Annexure 1



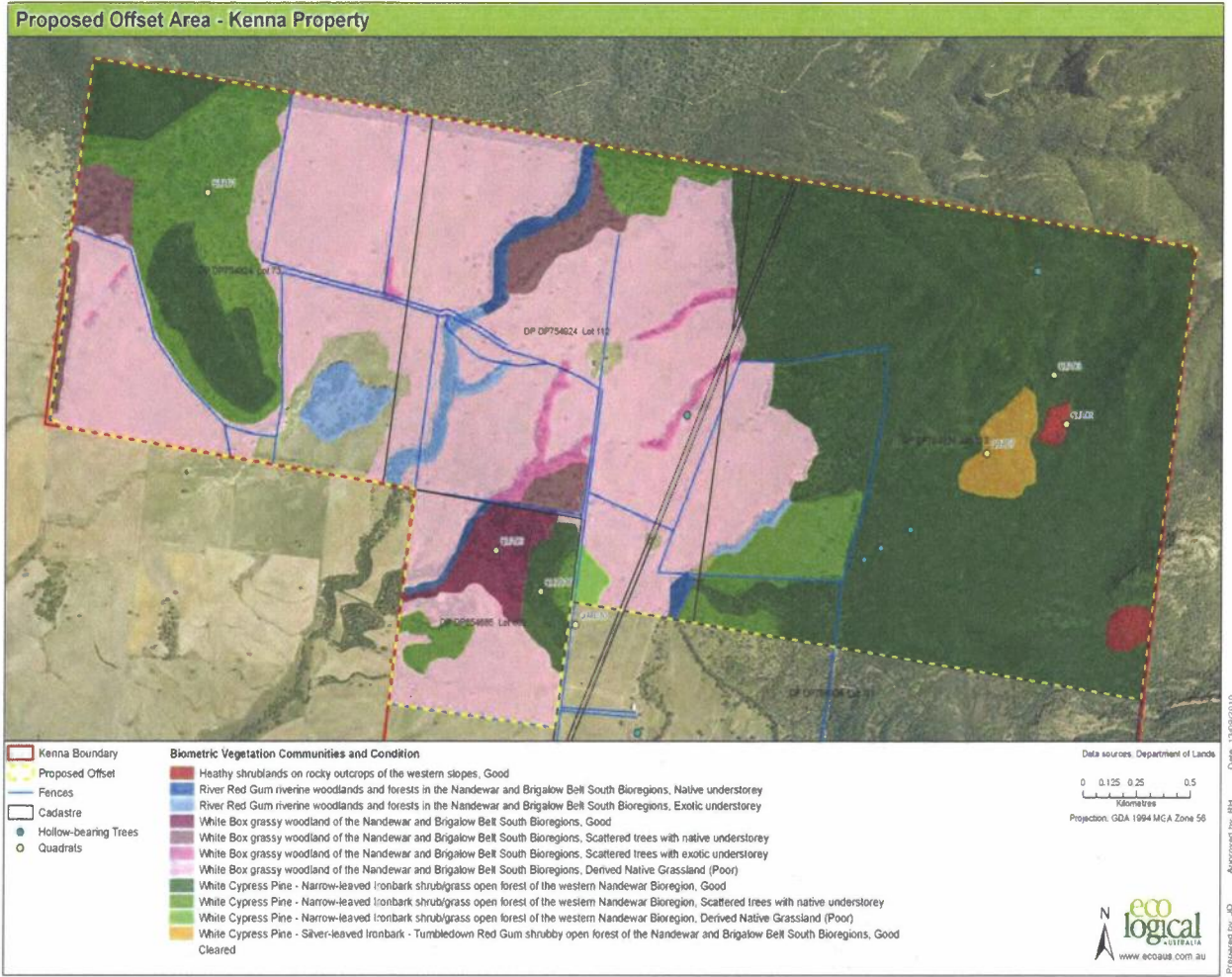
- LEGEND**
- State Forest
 - Mining Lease Boundary (ML 1609)
 - Pit Top Area
 - Modified Underground Mine Footprint
 - Approved Surface Development (Not Constructed)
 - Modified Underground Mine Development
 - Electricity Transmission Line (Constructed)
 - Electricity Transmission Line (Not Constructed)
 - Normal River Water Pipeline
 - Ventilation Shaft Location
 - Mine-owned Dwelling
 - Private Dwelling
 - Private Dwelling - NCOPI Agreement
 - Mine Owned Land

Source: Orphanetos - Whitehaven Coal (March 2015) and Google Earth (Feb 2015), P.W. Carbery & Co Pty Ltd (2009), NSW Trade & Investment (2015) and NCOPI (2015)


W H A R R A B R I M I N E
 Modified Narrabri Mine
 Indicative General Arrangement

Figure 3

Annexure 2



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Annexure 3



- LEGEND
- Mining Lease Boundary (ML 1609)
 - State Forest
 - On-site Offset Area (2019)

Source: Orthophotos - Whitehaven Coal (May 2016) and Google Earth (Feb 2015); NSW Trade & Investment (2015) and NCOPI (2018)


WHITEHAVEN COAL
NARRABRI MINE
 On-site Offset Area

Figure 1