

EPBC Act Referral Decision Notice



APPENDIX N



Australian Government

Department of the Environment, Water, Heritage and the Arts

Mr Brian Cullen
General Manger, Technical Services
Whitehaven Coal Ltd
PO Box 600
GUNNEDAH NSW 2380

Date: 17 June 2010
EPBC Ref: EPBC 2010/5502
EPBC contact: Phil Strickland
(02) 6274 2819
phil.strickland@environment.gov.au

Dear Mr Cullen

Decision on referral Rocglen Coal Mine Extension Project

The proposed action, to expand the Rocglen Coal Mine, has now been considered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

We have decided that the proposed action is a controlled action and, as such, requires assessment and approval by the Minister for Environment Protection, Heritage and the Arts before it can proceed.

It appears that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 & 18A), and
- Listed migratory species (sections 20 and 20A).

For example, based on the information available in the referral, the proposed action is likely to have a significant impact because:

- Approximately 12 hectares of the White-Box, Yellow-Box, Blakely's Red Gum grassy woodlands and Derived Native grasslands critically endangered ecological community will be cleared. It is possible that the removal of this community will have a significant impact on the endangered and migratory Regent Honeyeater species, and on the endangered Swift Parrot species.

Please note that this decision only relates to the potential for significant impact on the specific matters protected under Chapter 2 of the EPBC Act.

I have decided that the project will be assessed through an accredited assessment process under section 87 of the EPBC Act. The accredited assessment process for the proposed development is Part 3A of the New South Wales *Environmental Planning and Assessment Act 1979*.

Each assessment approach under the EPBC Act requires different levels of information and processes. However, all assessment approaches include a public consultation phase, *in which any third parties can comment on the proposed action*.

A copy of a document recording both of these decisions is enclosed.

Details on the assessment process and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's website, at www.environment.gov.au/epbc.

While we have determined that your project will be assessed by preliminary documentation, we will require some further information to be able to assess the relevant impacts of the action. You should expect to receive a letter from the Department within ten business days, outlining the information that will be required.



I have written to the following parties to advise them of this decision:

State/territory authority/authorities	NSW Department of Planning
Other relevant authority/authorities	Department of Climate Change and Energy Efficiency Department of Resources, Energy and Tourism

If you have any questions about the referral process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Michelle Wicks
Assistant Secretary
Environment Assessment Branch




Australian Government

Department of the Environment, Water, Heritage and the Arts

**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT - controlled action
DECISION ON ASSESSMENT APPROACH**

**Rocglen Coal Mine Extension Project, near Gunnedah, New South Wales (EPBC
No 2010/5502)**

These decisions were made under sections 75 and 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To expand the Rocglen Coal Mine, near Gunnedah, New South Wales and as described in the referral received under the EPBC Act on 20 May 2010.
decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	Listed threatened species and communities (sections 18 & 18A) Listed migratory species (sections 20 & 20A)
designated proponent	Whitehaven Coal Ltd ABN 68 124 425 396
assessment approach	The project will be assessed through an accreditation of Part 3A of the New South Wales <i>Environmental Planning and Assessment Act 1979</i> .
Decision-maker	
name and position	Michelle Wicks Assistant Secretary Environment Assessment Branch
signature	
date of decision	17 June 2010