



Notification of

REFERRAL DECISION – not controlled action if undertaken in a particular manner

VICKERY COAL PROJECT, 25 KM NORTH OF GUNNEDAH, NSW (EPBC 2012/6263)

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person named in the referral Whitehaven Coal Ltd
ACN: 124 425 396

proposed action To construct and operate an open cut coal mine approximately 25km north of Gunnedah in NSW [See EPBC Act referral 2012/6263]

Referral decision: Not a controlled action if undertaken in a particular manner

status of proposed action The proposed action is not a controlled action provided it is undertaken in the manner set out in this decision.

Person authorised to make decision

Name and position Adrienne Lea
Assistant Secretary
Environment Assessment Branch

signature

Adrienne Lea

date of decision 17 May 2012

manner in which proposed action must be taken The following measures must be taken to avoid significant impacts on:

- Listed threatened species and communities (sections 18 & 18A)
 1. Protection of winged peppercress plants. This must include:
 - a) Fencing and signposting the patch of winged peppercress plants located northwest of the western emplacement area (as identified in Figure 5 of referral EPBC 2012/6263), incorporating a 20 m buffer around the patch, prior to commencement of the action, to

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- avoid accidental damage/disturbance.
 - b) Excluding stock from the fenced patch of winged peppergrass plants.
2. Translocating the population of approximately 50 winged peppergrass plants from within the western emplacement area footprint to the fenced protection area to the northwest of the western emplacement area. This must include:
 - a) Collection of seed from winged peppergrass plants within the western emplacement area footprint, and subsequent planting of these seeds within the fenced protection area to the northwest of the western emplacement area.
 - b) Translocation of individual winged peppergrass plants by hand from within the western emplacement area footprint, to within the fenced protection area to the northwest of the western emplacement area. This must be undertaken using appropriate techniques as described in "*Guidelines for the translocation of threatened plants in Australia*" (Vallee *et al.* 2004).
 3. Undertaking a monitoring and maintenance program over the life of the action. This must include:
 - a) Annual monitoring of the protected area.
 - b) Undertaking weed and pest control within the protected area, should monitoring suggest that these are required.
 - c) Repair of the fence if inadequacies are identified.

Definitions

Commencement: The construction of any infrastructure associated with the proposed action. Construction includes any preparatory works required to be undertaken including clearing, disturbance or destruction of vegetation or soils and the erection of any onsite temporary structures.
