



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Moolarben Coal Mine Project (EPBC ref 2007/3297)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

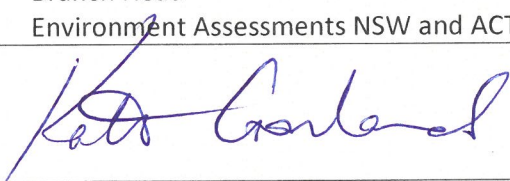
Approved action

approval holder	Moolarben Coal Mines Pty Ltd
approved action	The establishment of a coal mine and associated infrastructure 40 kilometres east of Mudgee to generate approximately 10 Mtpa of product coal as described in the referral received under the Act on 16 February 2007 (EPBC 2007/3297)

Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete condition 2 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Add new definitions of Areas 1, 2 and 3 and NSW Approval as specified in the table below.</p> <p>Delete appendix 2 attached to the approval and substitute with the map provided below.</p>
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Kate Gowland Branch Head Environment Assessments NSW and ACT
signature	
date of decision	19 November 2024

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date of decision	conditions attached to approval
<i>Original dated 24 October 2007</i>	<p>1) In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action shall make suitable arrangements within 12 months of this approval to:</p> <p>a) transfer at least 130 hectares of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community to the NSW Minister for Climate Change Environment and Water to offset, on a "like for like" basis, the 65 hectares that would be cleared by the project at an offset ratio of 2:1; and</p> <p>b) provide the NSW Department of Environment and Climate Change (DECC) with funds (which at the discretion of DECC may include an in-kind contribution) to cover any reasonable costs associated with the transfer and ongoing management of this land.</p>
<i>Variation dated 21 August 2019</i>	<p>1A) The Approval holder must undertake the action within the area enclosed by the red line designated as 'DA boundary' in the map at Appendix 1. The approval holder must not undertake the action within the areas designated as 'Areas not part of the Action' in the map at Appendix 1.</p>
<i>As varied on the date this instrument was signed</i>	<p>2) In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action must, in accordance with the Rehabilitation and Offset Management Plan (See <i>Condition 3</i> below) comply with Condition 34 of Schedule 3 of the NSW Approval, where it relates to Areas 1, 2 and 3.</p>
<i>As varied on the date this instrument was signed</i>	<p>2A) The person taking the action must, in accordance with condition 35 of Schedule 3 of the NSW Approval, make arrangements to provide for the long-term security of Areas 1, 2 and 3.</p>
<i>Original dated 24 October 2007</i>	<p>3) In order to protect the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland listed ecological community, the person taking the action shall prepare and implement a detailed Rehabilitation and Offset Management Plan for the project to the satisfaction of the Minister. The proponent shall progressively rehabilitate the site to the satisfaction of the Minister and the NSW Department of Primary Industries, in general accordance with the proposed Rehabilitation and Offset Management Plan. The Rehabilitation and Offset Management Plan must include:</p>

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- a) the rehabilitation objectives for the site, vegetation offsets and landscaping;
 - b) a description of the short, medium, and long term measures that would be implemented to:
 - rehabilitate the site;
 - implement the vegetation offsets; and
 - landscape the environmental bunds;
 - c) performance and completion criteria for the rehabilitation of the site, implementation of the vegetation offsets, and landscaping of the environmental bunds;
 - d) a detailed description of the measures that would be implemented over the next 3 years including the progressive rehabilitation of mining areas and progressive implementation of the vegetation offset areas referred to in *Condition 2*.
 - e) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria (see (c) above);
 - f) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
 - g) details of who would be responsible for monitoring reviewing, and implementing the plan.

Coal mining operations must not commence until the plan has been approved. The approved plan must be implemented.

Variation dated 20 July 2016

- 4) The person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, by 31 March for the preceding calendar year. Annual reports must be published until the Minister is satisfied that the person taking the action has complied with all conditions of the approval. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.

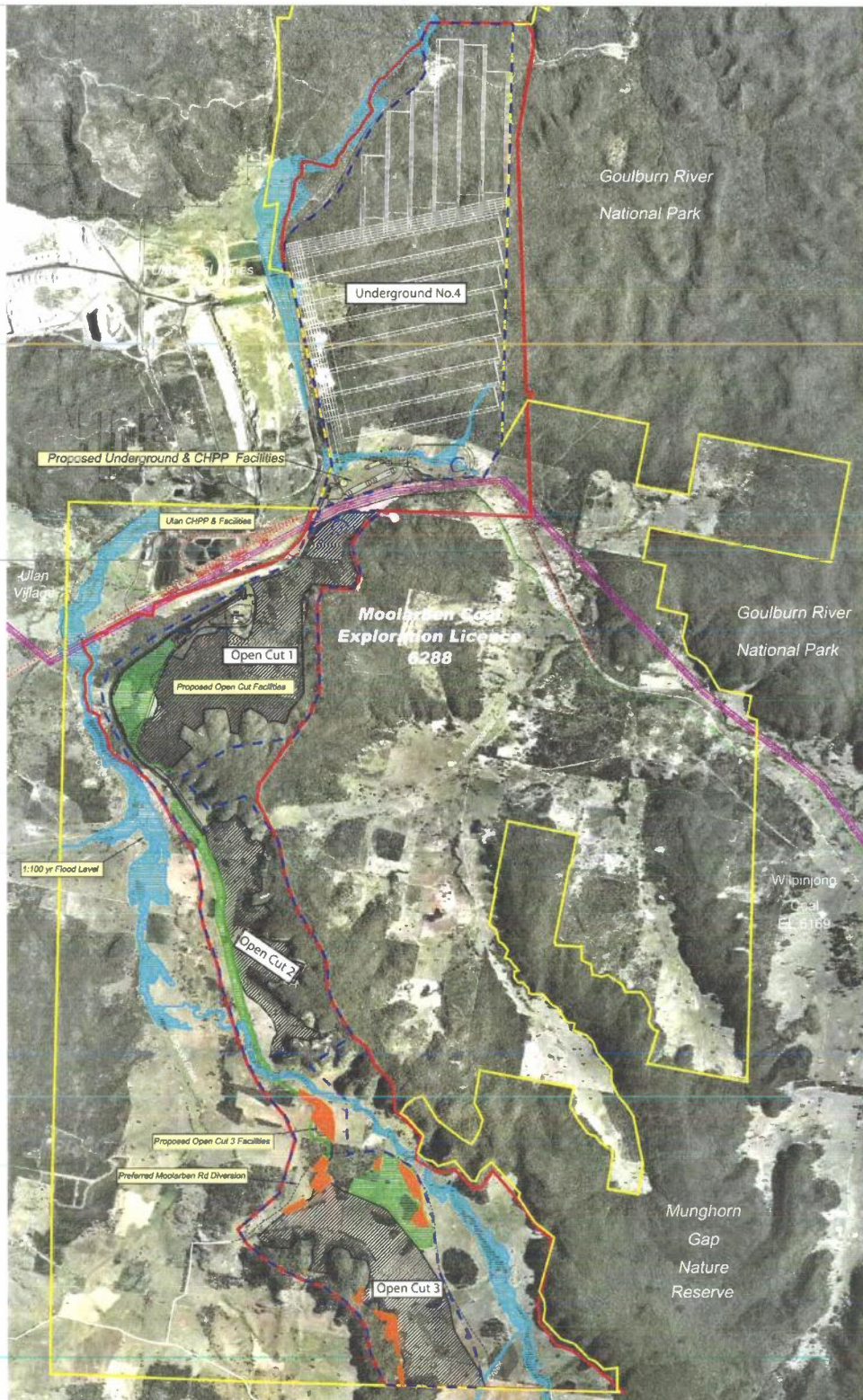
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<i>Original dated 24 October 2007</i>	5) Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent 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.
<i>Original dated 24 October 2007</i>	6) If the Minister believes that it is necessary or desirable for the better protection of the listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specific revisions to the plans, reports or management strategies approved pursuant to paragraphs 1, 2, and 3, and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented.
<i>Original dated 24 October 2007</i>	7) If at any time after 5 years from the date of this approval, the Minister notifies the person taking the action writing that the Minister is not satisfied that there has been substantial commencement of coal mining operations, the action must not thereafter be commenced without the written agreement of the Minister.
date of decision	definitions attached to approval
<i>Original dated 24 October 2007</i>	Coal mining operations means the removal of coal from the pit.
<i>As varied on the date this instrument was signed</i>	Areas 1, 2 and 3 means the areas represented in Appendix 2 by the green hatch area designated "Biodiversity Offset Area" and labelled "Area 1", "Area 2" and "Area 3".
<i>As varied on the date this instrument was signed</i>	NSW Approval means the NSW Government Project Approval for the Moolarben Coal Project made under Section 75J of the Environmental Planning & Assessment Act 1979, for application number 05_0117 originally signed 6 September 2007, and any subsequent modifications to the project approved by the relevant NSW Minister or delegate administering the Environmental Planning & Assessment Act 1979, the NSW approval can be accessed at the following webpage address: Moolarben Coal Mine Planning Portal - Department of Planning and Environment (nsw.gov.au)

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date of decision	Annexure A
<i>Variation dated 21 August 2019</i>	Appendix 1 – Moolarben Coal Mine Project
<i>As varied on the date this instrument was signed</i>	Appendix 2 – Moolarben Coal Mine Biodiversity Offset Areas

Appendix 1 of EPBC Act Approval (EPBC 2007/3297)
Moolarben Coal Mine Project



Source: Pegasus Technical (2007)

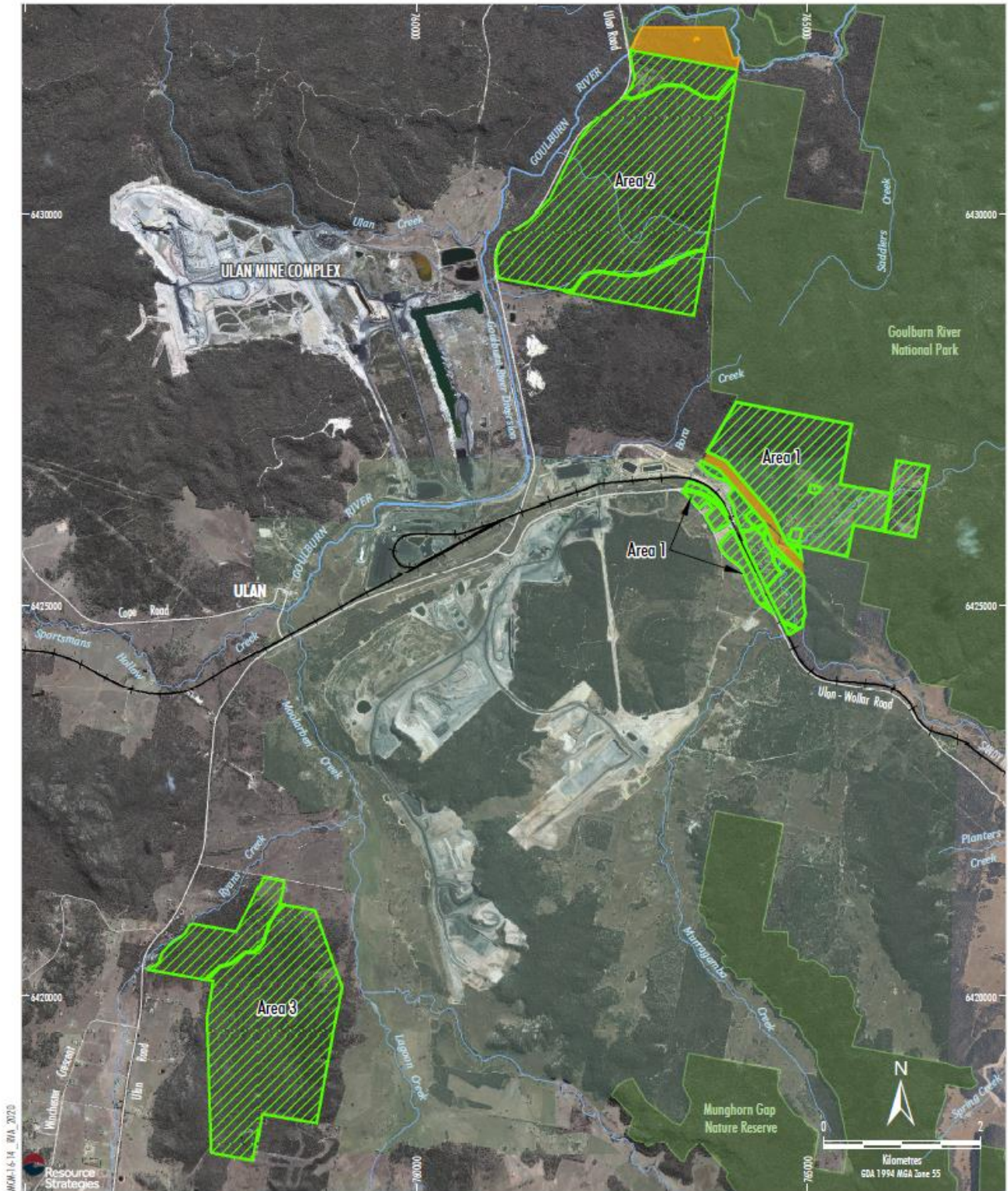


- LEGEND**
- EL 6288 Boundary
 - DA Boundary
 - Mining Lease Boundary
 - 1 in 100 year Flood Level
 - Out-of-pit Emplacement
 - Open Cut Mining Area
 - Areas not part of the Action


MOOLARBEN COAL COMPLEX
 Moolarben Coal Mine Project

Appendix 2 of EPBC Act Approval (EPBC 2007/3297)

Moolarben Coal Mine Project - Biodiversity Offset
Areas



MCA-16-14, R/A, 2020

Resource Strategies

- LEGEND**
- NSW National Parks and Wildlife Service
 - Biodiversity Offset Area
 - Portion of Stage 1 Offset Reallocated
 - Railway

Source: MCO (2018); NSW Land & Property Information (2018); Office of Environment and Heritage NSW (2018)
 Orthophoto Mosaic: MCO (April 2016 - May 2012)