

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999
DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Wildlife Division, a delegate for the purposes of section 133 of the Act, approve the taking of the following action:

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales (EPBC 2002/629) by Warkworth Mining Ltd subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

Sections 18 and 18A (Listed threatened species and ecological communities) of the *Environment Protection and Biodiversity Conservation Act 1999*; and

Sections 20 and 20A (Listed migratory species) of the *Environment Protection and Biodiversity Conservation Act 1999*

This approval has effect until 25 February 2039.

Dated this 18th day of February 2004


GERARD PATRICK EARLY
FIRST ASSISTANT SECRETARY
APPROVALS AND WILDLIFE DIVISION

ANNEXURE 1

1. Warkworth Mining Ltd must not clear any vegetation in the areas designated as Non Disturbance Areas (NDA's) in Annexure 2 without the prior written agreement of the Minister.
2. Within three months of the date of this approval, Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species. The plan must include measures to:
 - (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
 - (b) define and implement a compensatory habitat strategy;
 - (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
 - (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
 - (e) develop and undertake a flora and fauna monitoring program; and
 - (f) review and report on flora and fauna management and the compensatory habitat strategy; and
 - (g) stakeholder consultation.

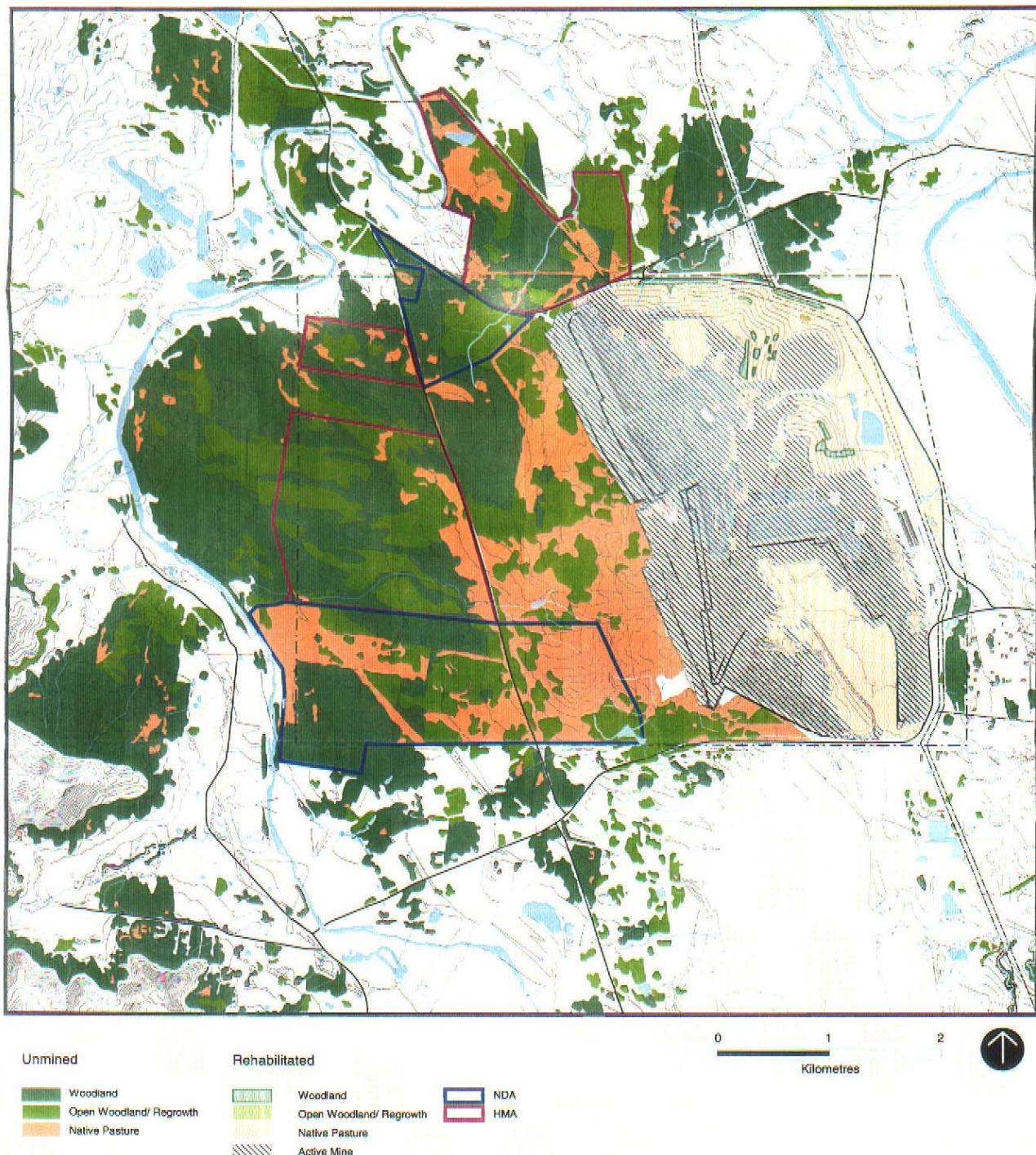
The approved action must not commence until the plan has been approved. The approved plan must be implemented.

3. Within five years of the commencement of this action, and every subsequent five years, Warkworth Mining Ltd 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.
4. If Warkworth Mining Ltd wishes to carry out any activity otherwise than in accordance with the plan referred to in paragraph 2, Warkworth Mining Ltd may submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
5. If the Minister believes that it is necessary or desirable for the better protection of the listed threatened and migratory species to do so, the Minister may request Warkworth Mining Ltd make specified revisions to the plan approved pursuant to paragraph 2 and submit the revised plan for the Minister's approval. Warkworth Mining Ltd must comply with any such request. The revised approved plan must be implemented.
6. If, at any time after 5 years from the date of this approval, the Minister notifies Warkworth Mining Ltd in writing that the Minister is not satisfied that there has been substantial commencement of the Warkworth Coal Mine extension, the Warkworth Coal Mine extension must not thereafter be commenced.

Definitions:

Non Disturbance Area: precludes open cut mining and agriculture

Habitat Management Area: offsets the short and medium term loss of habitat and ensure connectivity until the rehabilitation of the mined land can restore these values



Year 0 Vegetation

Figure 3.1

VARIATION OF CONDITIONS OF APPROVAL

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Pursuant to section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary of the Approvals and Wildlife Division, a delegate of the Minister for the Environment and Heritage, hereby vary the conditions attached to the approval granted on 18 February 2004 for the taking of the following action by the Warkworth Mining Ltd:

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales (EPBC 2002/629).

The variation is:

Delete paragraph 2 of Annexure 1 to the approval and substitute the following:

Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species by 18 May 2004. The plan must include measures to:

- (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
- (b) define and implement a compensatory habitat strategy;
- (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
- (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
- (e) develop and undertake a flora and fauna monitoring program; and
- (f) review and report on flora and fauna management and the compensatory habitat strategy; and
- (g) stakeholder consultation.

The approved plan must be implemented.

Dated this 6th day of April 2004


GERARD PATRICK EARLY
FIRST ASSISTANT SECRETARY
APPROVALS AND WILDLIFE DIVISION

ANNEXURE 1

1. Warkworth Mining Ltd must not clear any vegetation in the areas designated as Non Disturbance Areas (NDA's) in Annexure 2 without the prior written agreement of the Minister.
2. Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species by 18 May 2004. The plan must include measures to:
 - (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
 - (b) define and implement a compensatory habitat strategy;
 - (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
 - (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
 - (e) develop and undertake a flora and fauna monitoring program; and
 - (f) review and report on flora and fauna management and the compensatory habitat strategy; and
 - (g) stakeholder consultation.

The approved plan must be implemented.

3. Within five years of the commencement of this action, and every subsequent five years, Warkworth Mining Ltd 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.
4. If Warkworth Mining Ltd wishes to carry out any activity otherwise than in accordance with the plan referred to in paragraph 2, Warkworth Mining Ltd may submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
5. If the Minister believes that it is necessary or desirable for the better protection of the listed threatened and migratory species to do so, the Minister may request Warkworth Mining Ltd make specified revisions to the plan approved pursuant to paragraph 2 and submit the revised plan for the Minister's approval. Warkworth Mining Ltd must comply with any such request. The revised approved plan must be implemented.
6. If, at any time after 5 years from the date of this approval, the Minister notifies Warkworth Mining Ltd in writing that the Minister is not satisfied that there has been substantial commencement of the Warkworth Coal Mine extension, the Warkworth Coal Mine extension must not thereafter be commenced.

Definitions:

Non Disturbance Area: precludes open cut mining and agriculture

Habitat Management Area: offsets the short and medium term loss of habitat and ensure connectivity until the rehabilitation of the mined land can restore these values

VARIATION OF CONDITIONS OF APPROVAL

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Pursuant to section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary of the Approvals and Wildlife Division, a delegate of the Minister for the Environment and Heritage, hereby vary the conditions attached to the approval granted on 18 February 2004 for the taking of the following action by the Warkworth Mining Ltd:

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales (EPBC 2002/629).

The variation is:

Delete paragraph 2 of Annexure 1 to the approval and substitute the following:

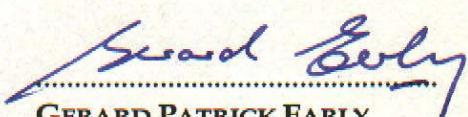
Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species by 31 October 2004. The plan must include measures to:

- (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
- (b) define and implement a compensatory habitat strategy;
- (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
- (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
- (e) develop and undertake a flora and fauna monitoring program; and
- (f) review and report on flora and fauna management and the compensatory habitat strategy; and
- (g) stakeholder consultation.

Mining operations beyond the 2004 Disturbance Boundary, as identified in ANNEXURE 3, may not commence until the plan is approved. The approved plan must be implemented.

Add Annexure 3 – Warkworth Mine 2004 Disturbance Area – to the approval.

Dated this 24th day of May 2004



GERARD PATRICK EARLY
FIRST ASSISTANT SECRETARY
APPROVALS AND WILDLIFE DIVISION

ANNEXURE 1

1. Warkworth Mining Ltd must not clear any vegetation in the areas designated as Non Disturbance Areas (NDA's) in Annexure 2 without the prior written agreement of the Minister.
2. Warkworth Mining Ltd must submit for the Minister's approval a plan for managing the impacts of the action on EPBC listed threatened and migratory species by 31 October 2004. The plan must include measures to:
 - (a) provide long-term protection and ongoing management for NDA's and Habitat Management Areas (HMA's);
 - (b) define and implement a compensatory habitat strategy;
 - (c) implement fauna and flora management including the rehabilitation and regeneration of flora;
 - (d) control weeds, feral animals, site access, erosion and sediment flows, and fire management;
 - (e) develop and undertake a flora and fauna monitoring program; and
 - (f) review and report on flora and fauna management and the compensatory habitat strategy; and
 - (g) stakeholder consultation.

Mining operations beyond the 2004 Disturbance Boundary, as identified in ANNEXURE 3, may not commence until the plan is approved. The approved plan must be implemented.

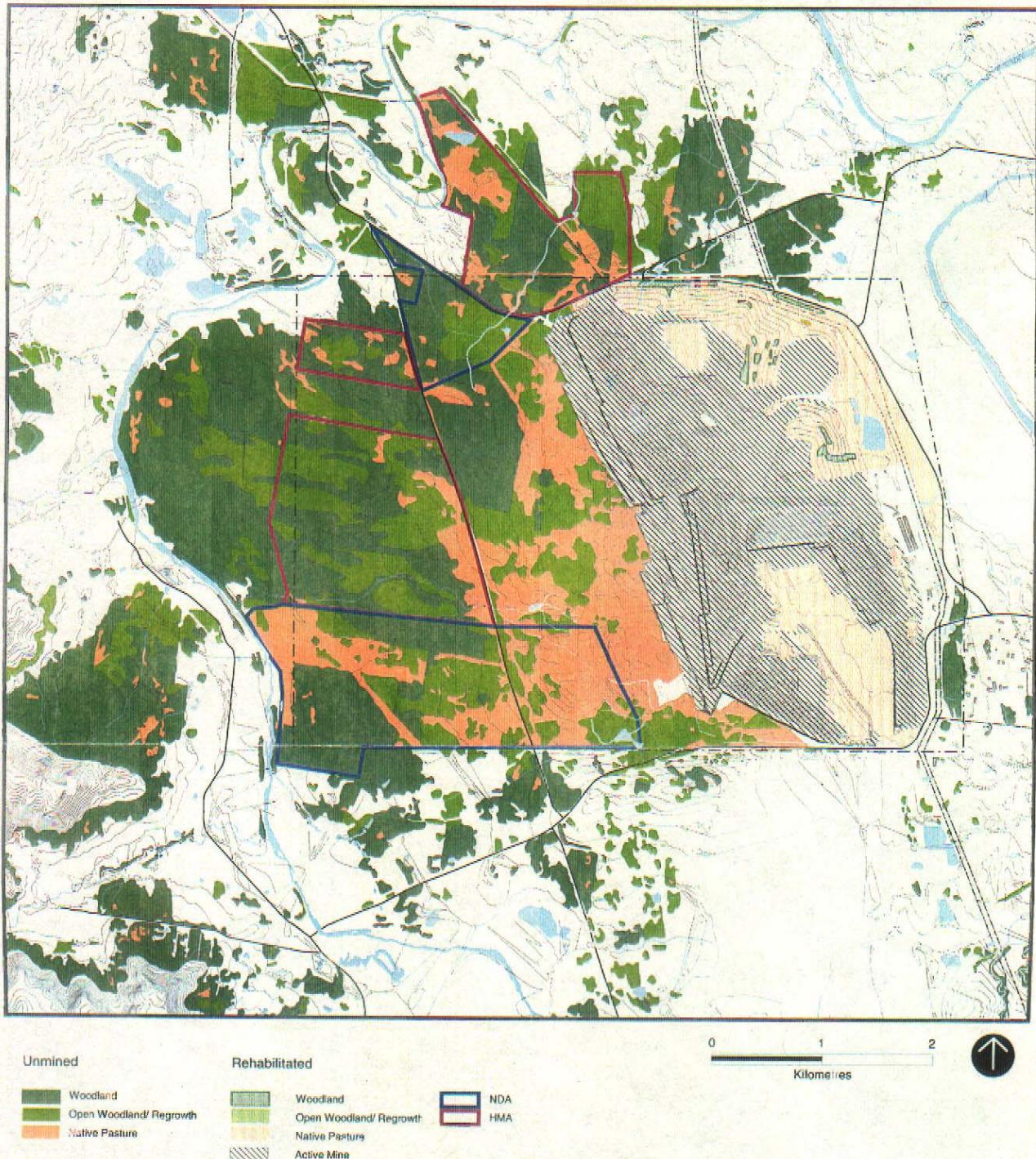
3. Within five years of the commencement of this action, and every subsequent five years, Warkworth Mining Ltd must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister 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.
4. If Warkworth Mining Ltd wishes to carry out any activity otherwise than in accordance with the plan referred to in paragraph 2, Warkworth Mining Ltd may submit for the Minister's approval a revised version of any such plan. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved.
5. If the Minister believes that it is necessary or desirable for the better protection of the listed threatened and migratory species to do so, the Minister may request Warkworth Mining Ltd make specified revisions to the plan approved pursuant to paragraph 2 and submit the revised plan for the Minister's approval. Warkworth Mining Ltd must comply with any such request. The revised approved plan must be implemented.
6. If, at any time after 5 years from the date of this approval, the Minister notifies Warkworth Mining Ltd in writing that the Minister is not satisfied that there has

been substantial commencement of the Warkworth Coal Mine extension, the Warkworth Coal Mine extension must not thereafter be commenced.

Definitions:

Non Disturbance Area: precludes open cut mining and agriculture

Habitat Management Area: offsets the short and medium term loss of habitat and ensure connectivity until the rehabilitation of the mined land can restore these values



Year 0 Vegetation

Figure 3.1

ANNEXURE 3



Warkworth Mine
2004 Disturbance Area

VARIATION OF CONDITIONS OF APPROVAL

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

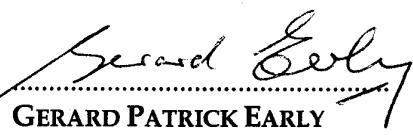
Pursuant to section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary of the Approvals and Wildlife Division, a delegate of the Minister for the Environment and Heritage, hereby vary the conditions attached to the approval granted on 18 February 2004 for the taking of the following action by the Warkworth Mining Ltd:

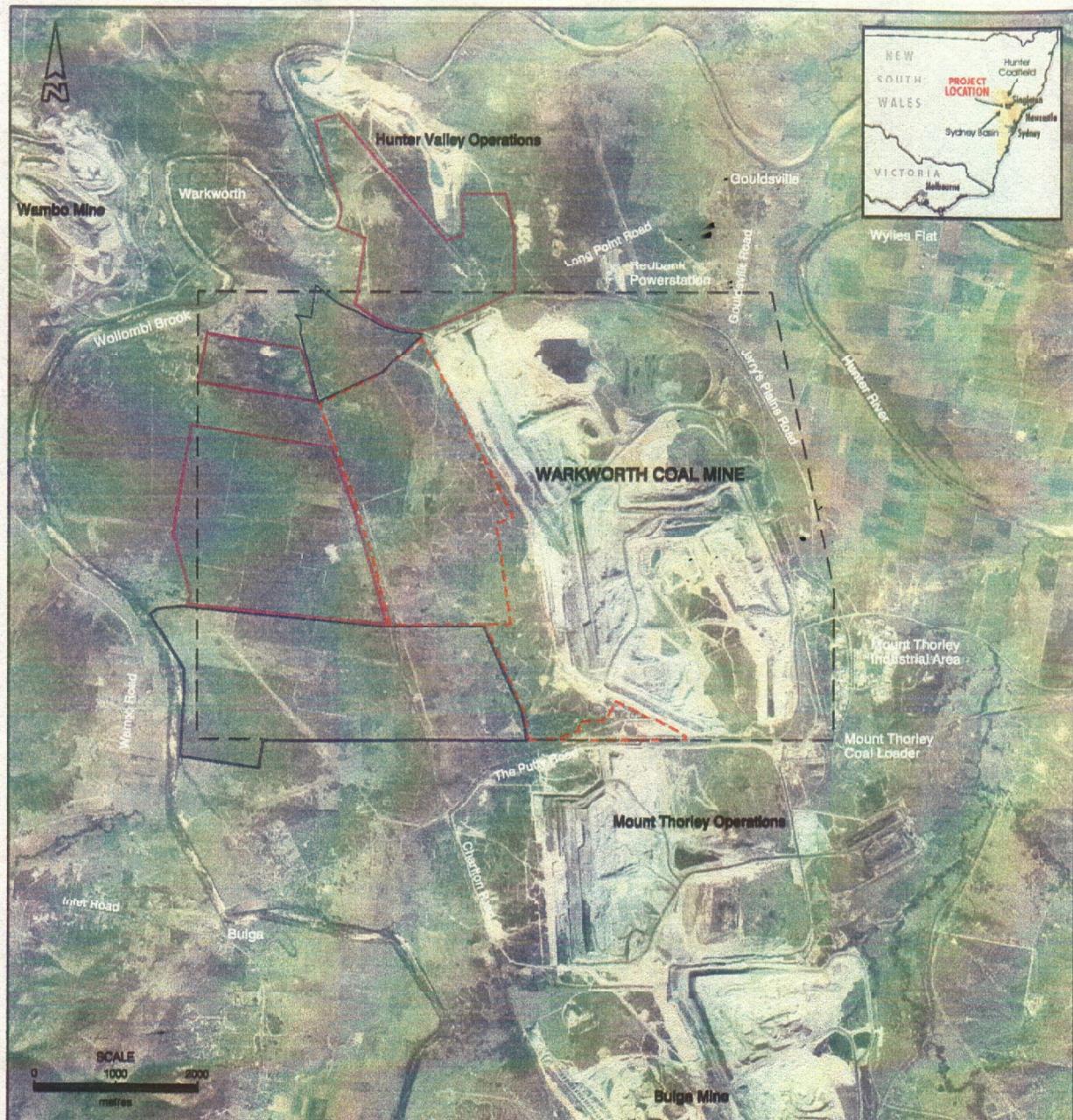
To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales (EPBC 2002/629).

The variation is:

Delete Annexure 2 and substitute Annexure 2A

Dated this 19th day of November 2004


GERARD PATRICK EARLY
FIRST ASSISTANT SECRETARY
APPROVALS AND WILDLIFE DIVISION



 Mining Lease Boundary
 Extension Area
 Non Disturbance Area
 Habitat Management Area

Annexure 2 Location of the Extension Area, NDAs and HMAs



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Warkworth Coal Mine Extension (2002/629)

This decision to vary a condition 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	Warkworth Mining Ltd (ABN 42 001 385 842)
Approved action	To construct and operate an open cut coal mine extension at the Warkworth Coal Mine , Singleton, New South Wales (EPBC 2002/629)

Variation

Variation of conditions of approval	<p>The variation is:</p> <p>Delete condition 1 attached to the approval dated 18 February 2004 and varied on 19 November 2004 and substitute with the condition specified below:</p> <ol style="list-style-type: none">1. Within 2 years of the date of this variation, unless otherwise agreed by the Minister in writing the person taking the action must register a legally binding conservation covenant over the Biodiversity Management Areas identified in the map at Attachment 1. The mechanism/s must provide enduring protection of no less than:<ol style="list-style-type: none">a) 1586 ha of suitable habitat for <i>Anthochaera phrygia</i> (regent honeyeater) and <i>Lathamus discolor</i> (swift parrot). <p>Delete condition 2 attached to the approval dated 18 February 2004 and varied on 6 April 2004 and 24 May 2004 and substitute with the conditions specified below:</p> <ol style="list-style-type: none">2. To offset the impacts to the regent honeyeater and swift parrot, the person taking the action must submit to the Minister for approval an Offset Management Plan for all of the Biodiversity Management Areas within 12 months of the date of this variation. <p>The Offset Management Plan must include, but not be limited to the following information:</p> <ol style="list-style-type: none">a. a textual description and map to clearly define the location and boundaries of all of the Biodiversity Management Areas). This must be accompanied with the offset attributes and a shapefileb. details of management actions to protect and enhance the extent and condition of habitat values of the offset areas including but not limited to
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rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions on access of no less than 1586 hectares of habitat for the regent honeyeater and swift parrot

- c. the timing, responsibilities and performance criteria for management actions
- d. a monitoring plan including the undertaking of ecological surveys by a qualified ecologist to assess the success of the management actions against identified milestones and objectives
- e. a process to report, to the **department**, the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management
- f. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks
- g. details of parties responsible for management, monitoring and implementing the plan, including their position or status as a separate contractor.

The approved Offset Management Plan must be implemented.

Re-establishment of Woodland in the Biodiversity Management Areas

- 2A Within 3 years of the date of this variation the person taking the action must provide, for the approval of the **Minister**, a Re-establishment Plan for the **Biodiversity Management Areas** secured under condition 1.
- 2B The Re-establishment Plan must include but not be limited to the following information:
 - a. details of the areas to be re-established (re-establishment areas) including location and maps
 - b. documentation including mapping of current environmental values relevant to **MNES** of the re-establishment areas
 - c. where revegetation through planting seedlings and/or seeds is intended details of appropriate species and ratios of species relevant to historically occurring listed migratory and listed threatened species' habitat
 - d. the source and provenance of the seed and/or seedlings which will be used
 - e. measures to address threats to **MNES** including but not limited to grazing pressure and damage by livestock and adverse impacts from feral animals and weeds
 - f. measures to provide fire management regimes appropriate for the **MNES**
 - g. measures to manage the habitat for listed migratory and listed threatened species in accordance with the recommendations of the approved recovery plan for the migratory and threatened species

- h. monitoring measures including ecological surveys to measure the establishment and ongoing success of the revegetation based on a comparison with high quality habitat for listed migratory and listed threatened species reference sites
- i. performance measures and reporting requirements against identified objectives, including trigger levels for contingency measures to be taken to ensure performance measures and objectives are met
- j. identify persons responsible and arrangements for implementing the Re-establishment Plan and for reporting on performance.

The approved Re-establishment Plan must be implemented.

And add definition for Department, Minister, shapefile, Offset attributes, MNES and Biodiversity Management Areas.

Definitions

Department - the Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister - the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister*

MNES - *matter of national environmental significance*

Shapefile -means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Offset attributes -mean an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Biodiversity Management Areas-property to be used as offset area.

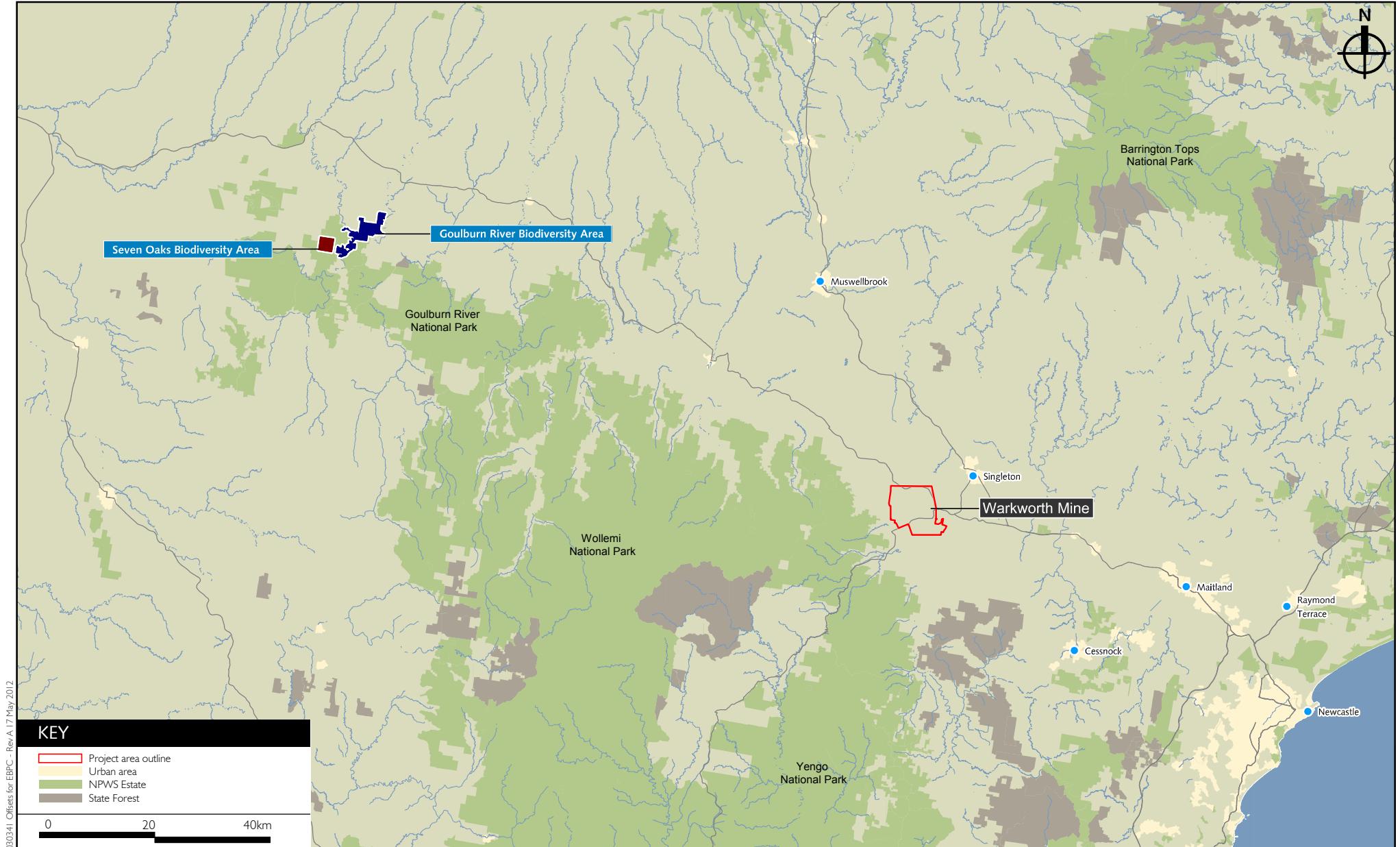
Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision	
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name and position	Adrienne Lea Assistant Secretary Environment Assessment Branch
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Signature	Adrienne Lea
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Date of decision	13th July 2012
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VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Warkworth Coal Mine Extension (2002/629)

This decision to vary a condition 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

Warkworth Mining Ltd

ABN: 42 001 385 842

Approved action

To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales [see EPBC Act Referral 2002/629]

Variation

Variation of conditions of approval

The variation is:

- Delete conditions 1-6;
- Delete definitions "Non Disturbance Area", "Habitat Management Area" and "MNES"; and
- Delete Attachment 1.

Attached to the approval dated 18 February 2004 and subsequent variations dated 6 April 2004, 24 May 2004, 19 November 2004 and 13 July 2012, and substitute with conditions 1-6, definition "Commencement of Construction" and Attachment A specified below.

All other definitions in the approval dated 9 August 2012 remain unchanged.

Date of effect

This variation has effect on the date the instrument is signed

Person authorised to make decision

name and position

Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

Date of decision

23 December 2013

Conditions attached to the approval

1. By no later than 13 July 2014, unless otherwise agreed by the **Minister** in writing, the person taking the action must register a legally binding conservation covenant over the **Biodiversity Management Areas** identified in the map at Attachment A. The mechanism/s must provide enduring protection of no less than:
 - a) 1,586 ha of suitable habitat for *Anthochaera phrygia* (regent honeyeater) and *Lathamus discolor* (swift parrot).
2. To offset the impacts to the regent honeyeater and swift parrot, the person taking the action must submit to the **Minister** for approval an *Offset Management Plan* (OMP) for all of the **Biodiversity Management Areas** by no later than 13 April 2014.

The OMP must include, but not be limited to, the following information:

- a textual description and map to clearly define the location and boundaries of all of the **Biodiversity Management Areas**. This must be accompanied with the **offset attributes** and a **shapefile**
- details of management actions to protect and enhance the extent and condition of habitat values of the offset areas including but not limited to rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions on access of no less than 1,586 hectares of habitat for the regent honeyeater and swift parrot
- the timing, responsibilities and performance criteria for management actions
- a monitoring plan including the undertaking of ecological surveys by a qualified ecologist to assess the success of the management actions against identified milestones and objectives
- a process to report, to the **department**, the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management
- a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks
- details of parties responsible for management, monitoring and implementing the plan, including their position or status as a separate contractor.

The approved OMP must be implemented. The person taking the action must publish the approved OMP on their website within 1 month of the OMP being approved by the **Minister**. The approved OMP must remain published until the expiry of the approval or until such time as agreed in writing by the **Minister**.

Note: For clarity, the **Biodiversity Management Areas** in condition 1 and identified on the map in Attachment A can accommodate offset requirements for more than one species habitat within the one area, if a qualified ecologist verifies that suitable habitat is present and includes specific habitat requirements for the relevant species.

Reporting and Auditing

3. Within five years of the commencement of this action, and every subsequent five years until the expiry of the approval, 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 in writing prior to commencement of the audit. The audit report must address the criteria to the satisfaction of the **Minister**.
4. Within three months of every 12 month anniversary of the **Commencement of Construction**, the person taking the action must publish a report (the *Compliance Report*) on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of

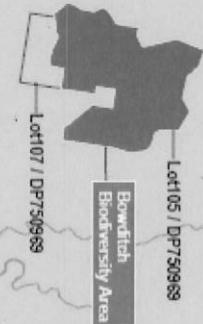
this approval must be provided to the **department** at the same time as the Compliance Report is published. The person taking the action must also notify any non-compliance with this approval to the **department** in writing within 2 business days of becoming aware of the non-compliance. The person taking the action must continue to annually publish the Compliance Report until such time as agreed in writing by the **Minister**.

5. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the person taking the action must submit to the **department** for the **Minister**'s written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. If the **Minister** approves the revised plan that plan must be implemented in place of the plan originally approved.
6. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the **Minister** may require that the person taking the action make specified revisions to a management plan specified in the conditions and submit the revised plan for the **Minister**'s written approval. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan the person taking the action must continue to implement the originally approved plan, as specified in the conditions.

Definitions:

Commencement of Construction – means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure.

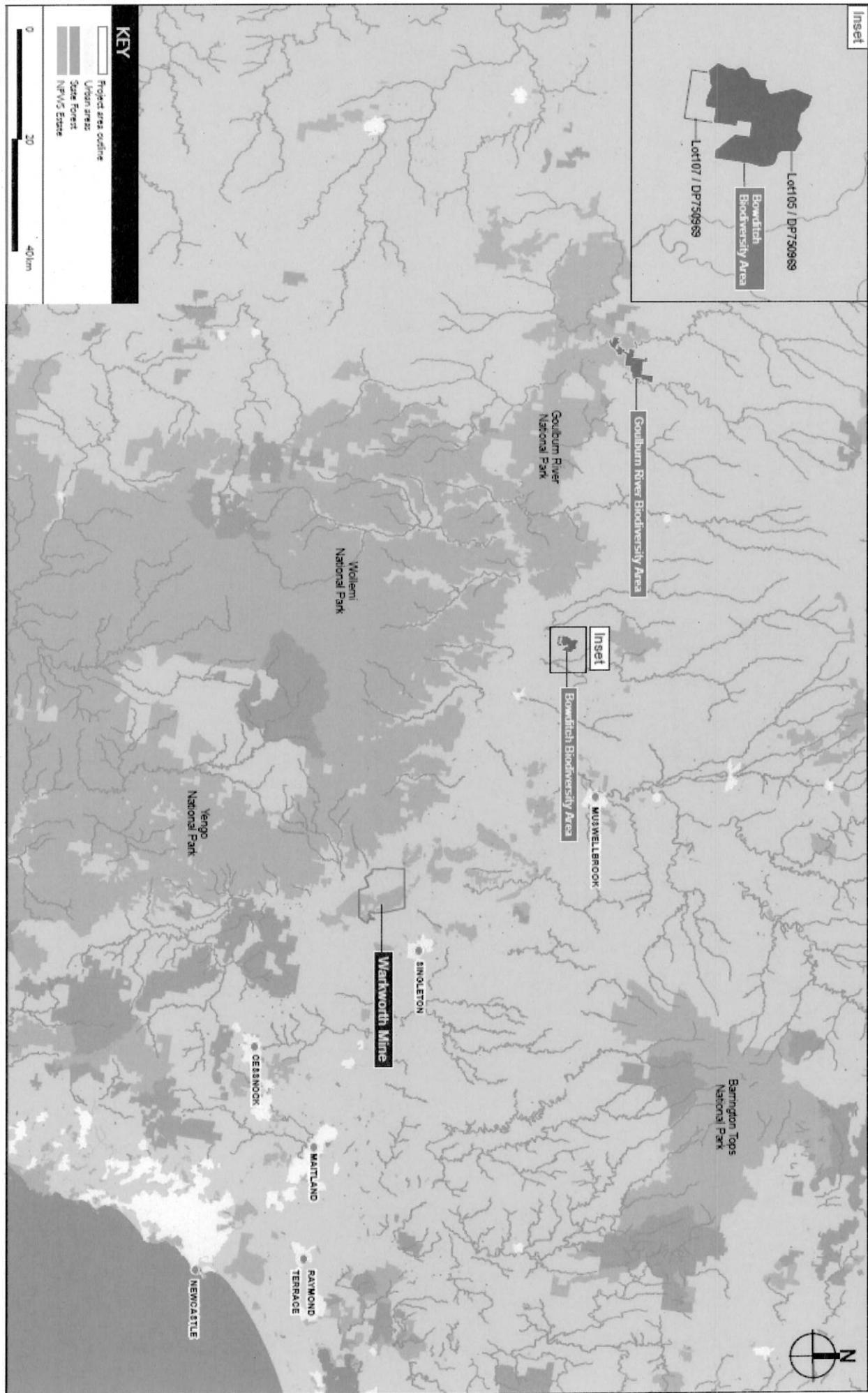
Inset



Lot 105 / DP750989

Bowditch
Biodiversity Area

Attachment A



**COAL
ALLIED**



VARIATION TO CONDITIONS ATTACHED TO APPROVAL Warkworth Coal Mine Extension (EPBC 2002/629)

This decision to vary a condition 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 Warkworth Mining Ltd
ABN: 42 001 385 842

Approved action To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales [see EPBC Act Referral 2002/629]

Variation

Variation of conditions of approval The variation is:
Delete conditions 1 and 3
Substitute conditions 1 and 3

Date of effect This variation has effect on the date the instrument is signed.

Person authorised to make decision

name and position Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature

Date of decision

Conditions attached to the approval

1. By no later than 13 July 2015, unless otherwise agreed by the **Minister** in writing, the person taking the action must register a legally binding conservation covenant over the **Biodiversity Management Areas** identified in the map at Attachment A. The mechanism/s must provide enduring protection of no less than:
 - a) 1,586 ha of suitable habitat for *Anthochaera phrygia* (regent honeyeater) and *Lathamus discolor* (swift parrot).
3. The Compliance Report (referred to in condition 4) due in 2015, and Compliance Reports due in each subsequent fifth year until the expiry of the approval, must be audited by an independent auditor. Prior to the commencement of each audit, the independent auditor and the audit criteria must be approved by the **Department**.



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Warkworth Coal Mine Extension (EPBC 2002/629)

This decision to vary a condition 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	Warkworth Mining Ltd ABN: 42 001 385 842
Approved action	To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales [see EPBC Act Referral 2002/629]

Variation

Variation of conditions of approval	The variation is: Delete condition 1 attached to the variation dated 6 August 2014 and substitute the condition specified below. Add the definitions specified below. Note: All other conditions including the definitions in the approval dated 6 April 2004 subsequent variations remain unchanged.
Date of effect	This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position	Monica Collins Assistant Secretary Compliance & Enforcement Branch
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Signature

Date of decision

14 November 2016

Condition attached to the approval

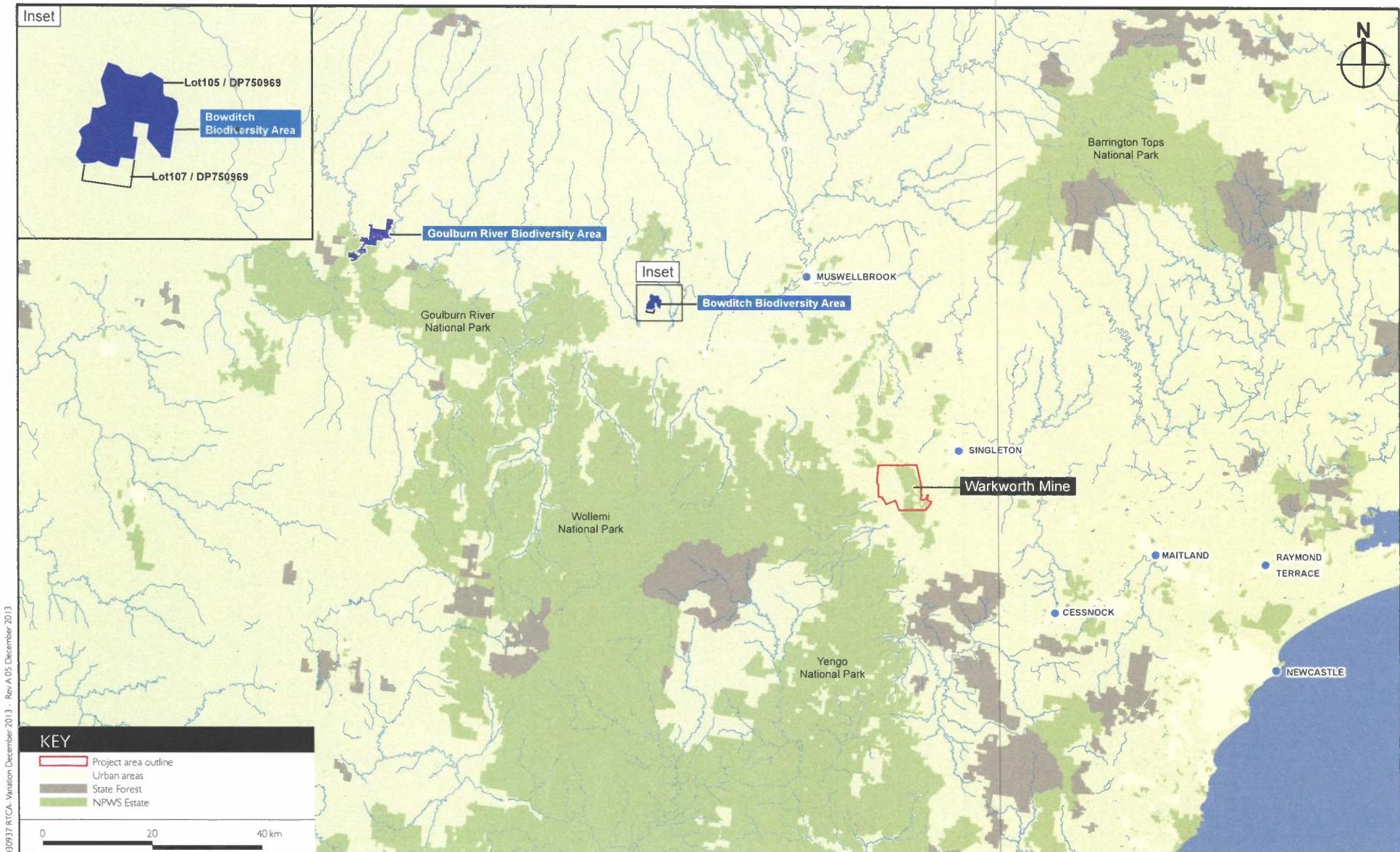
1. By no later than 17 February 2018, unless otherwise agreed by the **Minister** in writing, the person taking the action must register the Biodiversity Management Areas identified in the map at Attachment A under a **legally secured offset mechanism**. The mechanism must provide enduring protection of no less than:
 - a) 1,586 ha of suitable habitat for *Anthochaera phrygia* (regent honeyeater) and *Lathamus discolor* (swift parrot).

Definitions:

Biodiversity Management Areas – property to be used as offset area.

Legally secured offset 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.

Attachment A



Offsets for EPBC 2002/629



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Warkworth Coal Mine Extension, NSW (EPBC 2002/629)

This decision to vary a condition 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	Warkworth Mining Ltd ACN: 42 001 385 842
Approved action	To construct and operate an open cut coal mine extension at the Warkworth Coal Mine, Singleton, New South Wales [See EPBC Act referral 2002/629].

Variation

Variation of conditions of approval	The variation is: Delete condition 1 attached to the variation dated 14 November 2016 and substitute with the condition specified 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 Assessments (SA, WA, NT) and Post Approvals Branch
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Signature

Date of decision

14/10/ 2018

Conditions attached to the approval

- 1) By no later than 31 July 2020, the person taking the action must register the **Biodiversity Management Areas** identified in the map at Attachment A under a **legally secured offset mechanism**. The mechanism must provide enduring protection of no less than
 - a) 1,586 ha of suitable habitats for *Anthochaera Phrygia* (regent honeyeater) and *Lathamus discolor* (swift parrot).

Evidence of registration must be provided to the **Department** within 30 days of registration of the legally binding covenant.