



**Approval decision**

**Springvale Mine Extension Project, New South Wales (EPBC 2013/6881)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

<b>person to whom the approval is granted</b>	Springvale Coal Pty Ltd
<b>proponent's ACN</b>	ACN 052 096 769
<b>proposed action</b>	To expand underground mining operations at the existing Springvale Mine in the Western Coalfields of New South Wales, 8 kilometres north-east of Lithgow, New South Wales [see referral EPBC 2013/6881 and variation request letter dated 9 July 2014].

**Approval of decision**

Controlling provision	Decision
listed threatened species and communities (Sections 18 and 18A)	approved
listed migratory species (Sections 20 and 20A)	approved
World Heritage properties (Sections 12 and 15A)	approved
National Heritage places (Sections 15B and 15C)	approved
a water resource, in relation to coal seam gas development and large coal mining development (Sections 24D and 24E)	approved

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 8 October 2035.

**Decision-maker**

**name and position** The Hon Greg Hunt MP  
Minister for the Environment

**signature**

**date of decision** 15 October 2015

## Conditions attached to the approval

### *Compliance with conditions on the **New South Wales development consent***

1. To minimise and compensate for impacts to **listed threatened species and communities**, the **approval holder** must comply with the following conditions of the **New South Wales development consent**:

schedule	condition	subject
3	1	general performance measures
4	15	biodiversity offset strategy
	16	long-term security of offsets
	18	biodiversity management plan
	30	rehabilitation
	31	
32		
5	all	notification of landowners and independent review

2. To minimise and compensate for impacts on **Temperate Highland Peat Swamps**, the **approval holder** must comply with the following conditions on the **New South Wales development consent**:

schedule	condition	subject
3	1	general performance measures and risk management and assessment
	2	
	3	offsets for breach of performance measures
	4	offsets for first <b>undermined</b> swamps
	5	offsets for other <b>undermined</b> swamps
	6	
	10	extraction plans
	11	Independent Monitoring Panel
5	all	notification of landowners and independent review

3. To minimise impacts on **water resources**, the **approval holder** must comply with the following conditions on the **New South Wales development consent**:

schedule	condition	subject
3	1	general performance measures
	10(h)(iii)	water management plan
4	9	water supply
	10	water pollution
	12	water management performance measures
	14	water management plan
5	all	notification of landowners and independent review

### ***Temperate Highland Peat Swamps***

4. To minimise impacts on **Temperate Highland Peat Swamps**, in addition to Condition 1 (Schedule 3) on the **New South Wales development consent**, the **approval holder** must ensure that the action does not have greater than **negligible** environmental consequences on any **Temperate Highland Peat Swamps** within the **project area**, including in relation to their size, ecological functionality and species composition or distribution, unless those consequences are addressed through Condition 5.
5. To minimise impacts on **Temperate Highland Peat Swamps**, in addition to Conditions 4, 5 and 6 (Schedule 3) on the **New South Wales development consent**:
- Greater than **negligible** environmental consequences on **Temperate Highland Peat Swamps**, and therefore offset liabilities, must be initially determined based on changes to the shallow groundwater aquifer as measured using piezometers in accordance with Conditions 6 to 10.
  - Where monitoring identifies a change to the shallow groundwater aquifer below an **undermined Temperate Highland Peat Swamp** and that change cannot be reasonably attributed to other specific factors to the satisfaction of the **Minister**, the swamp will be considered to have experienced a greater than **negligible** environmental consequence of the action.
  - 90 *per cent* (by area) of offset liabilities for **Temperate Highland Peat Swamps** must be met with direct offsets, within the meaning of the **Commonwealth offsets policy**.
  - If after five (5) years, the **approval holder** can demonstrate to the satisfaction of the **Minister** that a greater than **negligible** environmental consequence on **Temperate Highland Peat Swamps** identified under Condition 5a has been reversed, has not eventuated or has only partially eventuated, whether due to active remediation or passive (natural) equilibration, any offsets already provided in relation to that identified consequence may be held by the **approval holder** and used to offset future liabilities.
  - Except in relation to **Sunnyside East** and **Carne West Swamps**, the **approval holder** must not **commence longwall mining** before the corresponding maximum predicted offset liability has been determined in accordance with Conditions 4 and 5 (Schedule 3) on the **New South Wales development consent** and approved in writing by the **Minister**.

6. This condition applies to all longwalls except **LW418** and **LW419**.

To minimise impacts on **Temperate Highland Peat Swamps**, in addition to Condition 10(h)(v) (Schedule 3) on the **New South Wales development consent**, swamp monitoring programs (or similar documents) must:

- a. be capable of detecting any greater than **negligible** environmental consequence on any **Temperate Highland Peat Swamps** within the **project area**
- b. include at least three (3) control swamps for each swamp to which the program applies, matched in terms of vegetation, geomorphology, hydrology and size, which must be monitored according to the same standards and protocols (a swamp may serve as a control for any number of suitably matched swamps to which the program applies)
- c. have installed for each swamp to which the program applies and for each control swamp:
  - i. a configuration of at least two (2) intersecting piezometer transects, the first along a line from the highest area of the swamp to the swamp outflow point and the second perpendicular to the first, located directly above a long wall panel, with each transect comprising at least three (3) piezometers (piezometers should not be installed immediately above longwall pillars); and
  - ii. piezometers (at least one (1)) installed at the deepest point in the swamp's sediments and any other significant deep points to better understand potential mine-induced drainage; and
- d. establish for each swamp proposed for **undermining** a monitoring regime that includes daily data collection from each swamp with data review at least weekly during **undermining** operations and at least monthly at all other times

The **approval holder** must not **commence longwall mining** before the corresponding swamp monitoring program has been approved in writing by the **Minister**. Each approved swamp monitoring program must be implemented for no less than five (5) years from the approval of the program.

7. This condition applies to longwalls **LW418** and **LW419**.

To minimise impacts on **Temperate Highland Peat Swamps**, in addition to Condition 10(h)(v) (Schedule 3) on the **New South Wales development consent**, swamp monitoring programs (or similar documents) must:

- a. be capable of detecting any greater than **negligible** environmental consequence on any **Temperate Highland Peat Swamps** within the **project area**
- b. include at least three (3) control swamps for each swamp to which the program applies, matched in terms of vegetation, geomorphology, hydrology and size, which must be monitored according to the same standards and protocols (a swamp may serve as a control for any number of suitably matched swamps to which the program applies)
- c. have installed for each swamp to which the program applies and for each control swamp:
  - i. a configuration of at least two (2) intersecting piezometer transects, the first along a line from the highest area of the swamp to the swamp outflow point and the second perpendicular to the first, located directly above a long wall panel, with each transect comprising at least three (3) piezometers (piezometers should not be installed immediately above longwall pillars); and
  - ii. piezometers (at least one (1)) installed at the deepest point in the swamp's sediments and any other significant deep points to better understand potential mine-induced drainage; and
- d. establish for each swamp proposed for **undermining** a monitoring regime that includes daily data collection from each swamp with data review at least weekly during **undermining** operations and at least monthly at all other times

The **approval holder** must not continue **longwall mining** beyond 31 March 2016 until the swamp monitoring program(s) has been approved in writing by the **Minister**. Each approved swamp monitoring program must be implemented for no less than five (5) years from the approval of the program.

8. Until Condition 7 has been met, the **approval holder** must monitor **LW418** and **LW419** consistent with *Temperate Highland Peat Swamps on Sandstone Monitoring and Management Plan for LW418*, August 2015, except that data collection must be consistent with Condition 7d from the **commencement** of **longwall mining** in **LW418** and **LW419**.

9. This condition applies to all longwalls except **LW418**.

To minimise impacts on **Temperate Highland Peat Swamps**, in addition to Condition 10(h)(ix) (Schedule 3) on the **New South Wales development consent**, trigger action response plans (or similar documents) must:

- a. define specific triggers (exceedence thresholds), with reference to baseline data and control swamps, which will apply to each **Temperate Highland Peat Swamp** within the **project area**
- b. define specific cease-work triggers, with reference to baseline data and control swamps, to respond to cases of sudden, unexpected or persistent exceedences, after which work may not recommence until the impact has been explained or offset to the satisfaction of the **Minister**
- c. define protocols for investigation and appropriate treatment of early warning and cease-work triggers in a timely fashion
- d. establish a protocol for reporting exceedences promptly to the **Department**; and
- e. explain how the measures described in the trigger action response plan will protect **Temperate Highland Peat Swamps**.

The **approval holder** must not **commence longwall mining** before the corresponding trigger action response plan has been approved in writing by the **Minister**. The approved trigger action response plan must be implemented.

10. This condition applies to **LW418**, for which a trigger action response plan already exists.

At any time after an exceedence has been reported to the **Department**, the **Minister** may order the **approval holder** to cease work, after which work may not recommence until the exceedence has been explained or offset to the satisfaction of the **Minister**.

#### *Biodiversity*

11. To minimise impacts on **listed threatened species and communities**, the **approval holder** must not clear more than 13 hectares of habitat for threatened species within the **project area**.
12. This condition applies to all longwalls except **LW418**.

To minimise impacts on **listed threatened species and communities**, in addition to Condition 18 (Schedule 4) on the **New South Wales development consent**, the biodiversity management plan (or similar document) must:

- a. include measures to avoid and / or mitigate impacts on **listed threatened species and communities** that may occupy landform habitats including cliffs, minor cliffs, pagodas and gorges – these measures must include pre-mining surveys and translocation and / or cease work protocols if any sites with potential as nursery caves for **Large-eared Pied Bat** are identified
- b. include measures to control the spread of pathogens including chytrid fungus and *Phytophthora cinnamomi*
- c. explain how the mitigation and management measures described will protect *specific listed threatened species and communities*; and
- d. specify clear timeframes for all management and mitigation measures described.

The **approval holder** must not **commence** the action before the biodiversity management plan has been approved in writing by the **Minister**. The approved biodiversity management plan must be implemented.

13. The **approval holder** must prepare a management and research program for the **Blue Mountains Water Skink** at **Carne West Swamp**, including specific measures for monitoring that population and response measures to be implemented if a decline is detected. The **approval holder** must not **commence undermining** of **Carne West Swamp** before the management and research program has been approved in writing by the **Minister**. The approved management and research program must be implemented.

*Administrative conditions*

14. The **approval holder** must provide the **Department** with details of each offset area secured in accordance with Conditions 3 to 5 (Schedule 3) or Conditions 15 and 16 (Schedule 4), on the **New South Wales development consent**, within twenty (20) business days of securing each offset. Details to be provided must include but are not necessarily limited to:
- textual descriptions and maps to clearly define the location and boundaries of the offset areas
  - written evidence of legal protection
  - management plans
  - **offset attributes** and **shapefiles**
15. Within ten (10) days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement** of the action.
16. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement **management documents** required by this approval, and make them available on 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 this approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
17. The **approval holder** must report potential non-compliance with any of the conditions of this approval to the **Department** within two (2) business days of becoming aware of the non-compliance.
18. Before 31 March each year, the **approval holder** must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any **management documents** as specified in the conditions during the previous calendar year. Documentary evidence of the date of publication of the compliance report, as well as details of any reported potential non-compliance, must be provided to the **Department** at the same time as the compliance report is published.
19. Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of this approval is conducted and a report submitted to the **Minister**. The audit must not **commence** until the independent auditor and audit criteria have been approved by the **Minister**. The audit report must address the criteria to the satisfaction of the **Minister**.

20. The **approval holder** may choose to revise a **management document** approved by the **Minister** under Conditions 6, 7, 9 12 or 13 without submitting it for approval under Section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised **management document** would not be likely to have a new or increased impact on a matter protected under the conditions of this approval. If the **approval holder** makes this choice, it must:
  - a. notify the **Department** in writing that the approved **management document** has been revised and provide the **Department** with an electronic copy of the revised **management document**
  - b. implement the revised **management document** from the date that it is submitted to the **Department**; and
  - c. for the life of this approval, maintain a record of the reasons the **approval holder** considers that taking the action in accordance with the revised **management document** would not be likely to have a new or increased impact on a matter protected under the conditions of this approval.
21. The **approval holder** may revoke its choice under Condition 20 at any time by notice to the **Department**. If the **approval holder** revokes the choice to implement a revised **management document**, without approval under section 143A of the **EPBC Act**, the **approval holder** must implement the **management document** most recently approved by the **Minister**.
22. Condition 20 does not apply if the revisions to the approved **management document** include changes to offsets established under the conditions of the approval, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised **management document** would, or would not, be likely to have new or increased impacts.
23. If the **Minister** gives a notice to the **approval holder** that the **Minister** is satisfied that the taking of the action in accordance with the revised **management document** would be likely to have a new or increased impact on a matter protected by the conditions of this approval, then:
  - a. Condition 20 does not apply, or ceases to apply, in relation to the revised **management documents**; and
  - b. the **approval holder** must implement the **management documents** most recently approved by the **Minister**.

At the time of giving the notice, the **Minister** may also notify that for a specified period of time that Condition 20 does not apply for one or more specified plans, programs or strategies required under the approval.

To avoid any doubt, this condition does not affect any operation of Conditions 20 to 22 in the period before the day after the notice is given.

24. Conditions 20 to 23 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the **approval holder** to submit a revised **management document** to the **Minister** for approval.
25. The **approval holder** must not **commence longwall mining** at any time after five (5) years from the date of this approval without the written agreement of the **Minister**.
26. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all **management documents** on their website. Each **management document** must be published



on the website within one (1) month of being approved by the **Minister** or being submitted under Condition 20.

## **Definitions**

**Approval holder** means the person to whom the approval is granted, or to whom the approval is transferred under section 145B of **the EPBC Act**.

**Blue Mountains Water Skink** means the species *Eulamprus leuraensis*, listed as endangered under the **EPBC Act**.

**Carne West Swamp** is identified on the map at Annexure 1.

**Commencement** (also **commence**) means the first instance of an activity. In relation to the action generally, it includes any vegetation clearing, demolition, construction, excavation or other earthworks associated with the action, excluding the erection of fences or signs and the conduct of environmental or other low impact surveys.

**Commonwealth offsets policy** is *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, October 2012.

**Department** means the Australian Government department responsible for administration of **the EPBC Act**.

**EPBC Act** means the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*.

**First workings** has the meaning given in the **New South Wales development consent**.

**Large-eared Pied Bat** means the species *Chalinolobus dwyeri*, listed as vulnerable under the **EPBC Act**.

**Listed threatened species and communities** includes at least the following:

- the Temperate Highland Peat Swamps on Sandstone community, listed as endangered under the **EPBC Act**
- Austral Toadflax (*Thesium australe*), listed as vulnerable under the **EPBC Act**
- Deane's Boronia (*Boronia deanei*), listed as vulnerable under the **EPBC Act**
- Giant Burrowing Frog (*Heleioporus australiacus*), listed as vulnerable under the **EPBC Act**
- Stuttering Frog (*Mixophyes balbus*), listed as vulnerable under the **EPBC Act**
- Blue Mountains Water Skink (*Eulamprus leuraensis*), listed as endangered under the **EPBC Act**
- Broad-headed Snake (*Hoplocephalus bungaroides*), listed as vulnerable under the **EPBC Act**
- Regent Honeyeater (*Anthochaera phrygia*), listed as endangered under the **EPBC Act** (at the time of determination of controlling provisions).
- Spot-tailed Quoll [south-eastern mainland population] (*Dasyurus maculatus* subsp. *maculatus*) listed as endangered under the **EPBC Act**
- Southern Brown Bandicoot (*Isoodon obesulus* subsp. *obesulus*), listed as endangered under the **EPBC Act**
- Brush-tailed Rock Wallaby (*Petrogale penicillata*), listed as vulnerable under the **EPBC Act**
- Koala [combined populations of Queensland, New South Wales and the Australian Capital Territory] (*Phascolarctos cinereus*), listed as vulnerable under the **EPBC Act**
- Large-eared Pied Bat (*Chalinolobus dwyeri*), listed as vulnerable under the **EPBC Act**
- New Holland Mouse (*Pseudomys novaehollandiae*), listed as vulnerable under the **EPBC Act**

**Longwall mining** means any extraction of coal that is not defined as **first workings**.

**LW418** and **LW419** are specific longwalls identified on the map at Annexure 1.

**Management document(s)** are any program, plan or other document explicitly required (whether directly or through a subordinate document) in fulfilment of the conditions of this approval.

**Minister** means the Australian Government minister responsible for administration of the **EPBC Act** and includes delegates.

**Negligible**, in the sense of environmental consequences, has the meaning given in the **New South Wales development consent**.

**New South Wales development consent** means the document recording the decision of the New South Wales Government to grant development approval to the Springvale Mine Extension Project under Section 89E of the (New South Wales) *Environmental Planning & Assessment Act 1979*, dated 21 September 2015.

**Offset attributes** means an '.xls' file capturing relevant attributes of the offset site, including the EPBC reference number, physical address, coordinates of the boundary points in decimal degrees, **listed threatened species and communities** for which the offset was established, other relevant biodiversity attributes and area in hectares.

**Project area** is defined by the boundary shown as a red line on the map at Annexure 1.

A **shapefile** is 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. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.

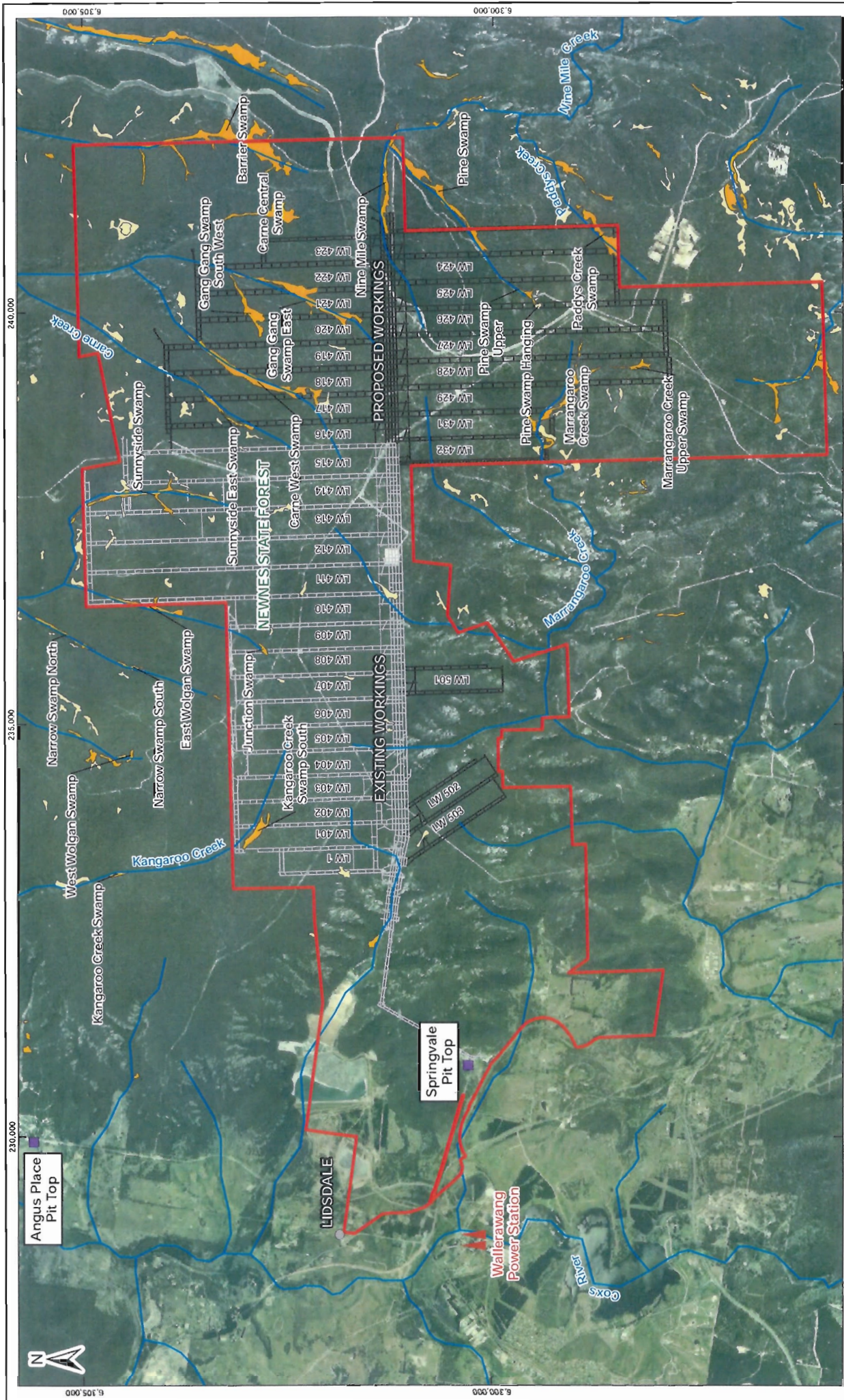
**Sunnyside East Swamp** is identified on the map at Annexure 1.

**Temperate Highland Peat Swamps** means the Temperate Highland Peat Swamp on Sandstone community listed as endangered under the **EPBC Act** and for the purposes of these conditions includes the following associated species:

- Deane's Boronia (*Boronia deanei*), listed as vulnerable under the **EPBC Act**
- Giant Burrowing Frog (*Heleioporus australiacus*), listed as vulnerable under the **EPBC Act**
- Blue Mountains Water Skink (*Eulamprus leuraensis*), listed as endangered under the **EPBC Act**

An **undermined** (also **undermine**, **undermining**) swamp is a swamp with an active or extracted longwall panel within a 26.5° angle of draw (or other angle of draw as defined in an approved management plan).

**Water resources** has the meaning given in the (Commonwealth) *Water Act 2007*.



Coordinate System: GDA 1984 MGA Zone 56

**LEGEND**

- Project Application Area
- Village
- Watercourse
- Shrub Swamp
- Hanging Swamp
- Existing Workings
- Proposed Workings

**Figure 10.1:**  
Swamp Distribution  
Relative to  
Proposed Workings

Scale: 0 1 2 km

DATE	17/11/2013
SEAM	LITHGOW
REFERENCE	127623060-R-F060 SVC Rev 0
SCALE	1:60,000

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PLOTFILE No. Centennial Coal Springvale

DRG No. 60 A4