



Appin Mine Ventilation Shaft No.6 Project, Douglas Park, NSW (EPBC 2010/5722)

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

---

<b>Person to whom the approval is granted</b>	Illawarra Coal Holdings Pty Ltd ACN: 69 093 857 286
---	--

---

<b>Approved action</b>	To construct and operate a mine ventilation shaft, access road and associated infrastructure at Douglas Park, NSW, as described in the referral information for project EPBC 2010/5722.
------------------------	---

---

### Variation

---

<b>Variation of conditions attached to approval</b>	The variation is:  Delete condition 4 attached to the approval and substitute with the conditions specified in the table below.  Add conditions 4A, 4B, 4C, 4D and 4E as specified in the table below.  Add the definitions of Business Day, New or increased impact and EPBC Act as specified in the table below.  Revoke the definition of Vegetation management plan.
---	--

---

---

<b>Date of effect</b>	This variation has effect on the date the instrument is signed
-----------------------	--

---

### Person authorised to make decision

---

<b>Name and position</b>	Kim Farrant Assistant Secretary Environment Assessments (Vic, Tas) and Post Approvals Branch
--------------------------	--

---

**Signature**

---

<b>Date of decision</b>	11 June 2021
-------------------------	--------------

---

Date of decision	Conditions attached to approval
Original dated 1 April 2011	<p>1. The person taking the action must not clear more than 3.6 hectares of Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest (CPW) vegetation (Annexure A).</p> <p>A report and maps verifying compliance with this condition to be placed by the proponent on their website for three months and a letter indicating when this occurs must be submitted to the <b>department</b> within three months of the completion of construction.</p>
Original dated 1 April 2011	<p>2. The person taking the action must submit a Biodiversity Offset Strategy to the <b>Minister</b> for approval. The strategy must address the following requirements:</p> <ul style="list-style-type: none"> <li>a) The conservation of at least 8.7 hectares of land containing medium to high quality CPW (Annexure A);</li> <li>b) In addition to land pertaining to 2(a), that land will be managed and revegetated to greater quality to that removed; and</li> <li>c) The land referred to in 2(a) must be protected by a legal instrument under relevant nature conservation legislation, that ensure the land is conserved in perpetuity.</li> </ul> <p>The approved strategy must be implemented.</p> <p>The person taking the action must not clear any CPW until the <b>Minister</b> approves the strategy.</p>
Original dated 1 April 2011	<p>3. The person taking the action must submit a Vegetation Management Plan to the <b>Minister</b> for approval. The plan must address the following requirements:</p> <ul style="list-style-type: none"> <li>a) Make reference to the Biodiversity Offset Strategy as outlined in condition 2;</li> <li>b) Measures to protect the population of <i>Pimelea spicata</i> found in the area proposed for the protection through condition 2. These must; <ul style="list-style-type: none"> <li>i. Monitor the <i>Pimelea spicata</i> population to determine the success of the management or the need for intervention;</li> <li>ii. Include the establishment of thresholds that if reached would require intervention measures; and</li> <li>iii. Identify what further management measures must be implemented if a threshold is reached.</li> </ul> </li> <li>c) Rehabilitate MZ2, MZ3 and MZ4 (Annexure B) using the appropriate native species with input from a suitably qualified CPW expert; and</li> <li>d) The plan must include key milestones, performance indicators, corrective actions and timeframes for the</li> </ul>

Date of decision	Conditions attached to approval
	completion of all actions outlined in the plan for the life of the project.
As varied on the date this instrument was signed	<p><b>Modification to a Management Plan, Report, Strategy or Agreement</b></p> <p>4. The approval holder may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> under condition 3 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b>. If the <b>Minister</b> approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.</p>
As varied on the date this instrument was signed	<p>4A. The approval holder may choose to revise an action management plan approved by the <b>Minister</b> under condition 3 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the <b>EPBC Act</b>, if the taking of the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b>.</p>
As varied on the date this instrument was signed	<p>4B. If the approval holder makes the choice under condition 4A to revise an action management plan without submitting it for approval, the approval holder must:</p> <ol style="list-style-type: none"> <li>a. notify the <b>Department</b> in writing that the approved action management plan has been revised and provide the <b>Department</b> with: <ol style="list-style-type: none"> <li>i. an electronic copy of the RAMP</li> <li>ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP</li> <li>iii. an explanation of the differences between the approved action management plan and the RAMP</li> <li>iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a <b>new or increased impact</b></li> <li>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 <b>business days</b> after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the <b>Department</b>.</li> </ol> </li> <li>b. subject to condition 4D, implement the RAMP from the RAMP implementation date.</li> </ol>

Date of decision	Conditions attached to approval
As varied on the date this instrument was signed	4C. The approval holder may revoke its choice to implement a RAMP under condition 4A at any time by giving written notice to the <b>Department</b> . If the approval holder revokes the choice under condition 4A, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 4A.
As varied on the date this instrument was signed	4D. 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 RAMP would be likely to have a new or increased impact, then: <ul style="list-style-type: none"> <li>a. condition 4A does not apply, or ceases to apply, in relation to the RAMP</li> <li>b. the approval holder must implement the action management plan specified by the <b>Minister</b> in the notice.</li> </ul>
As varied on the date this instrument was signed	4E. At the time of giving the notice under condition 4D, the <b>Minister</b> may also notify that for a specified period of time, condition 4A does not apply for one or more specified action management plans. <b>Note:</b> conditions 4A, 4B, 4C, 4D and 4E are not intended to limit the operation of section 143A of the <b>EPBC Act</b> which allows the approval holder to submit a revised action management plan, at any time, to the <b>Minister</b> for approval.
Original dated 1 April 2011	5. If the <b>Minister</b> believes that it is necessary or desirable for the better protection of any relevant controlling provision to do so, the Minister may request that the person taking the action make specified revisions to any plans, reports, programs, or strategy (however described) approved pursuant to these conditions. The person taking the action must comply with any such request. The revised plans, reports, programs, or strategy (however described) must be implemented.
Original dated 1 April 2011	6. If the action has not been substantially commenced within 5 years of the date of this approval the action must not commence without written agreement of the <b>Minister</b> .

Date of decision	Definitions attached to approval
As varied on the date this instrument was signed	<b>Business day</b> means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Original dated 1 April 2011	<b>Construction</b> – construction includes any action-related construction and commissioning activities on the project property, excluding investigatory works such as, but not limited to, geotechnical, geophysical, biological and cultural heritage surveys, baseline monitoring surveys and technology trials.

Date of decision	Definitions attached to approval
Original dated 1 April 2011	The <b>department</b> – the Australian Government Department responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
As varied on the date this instrument was signed	<b>EPBC Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 1 April 2011	<b>Minister</b> – is the Australian Government Minister responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
As varied on the date this instrument was signed	<b>New or increased impact</b> means a new or increased environmental impact or risk relating to any <b>protected matter</b> , when compared to the likely impact of implementing the action management plan that has been approved by the <b>Minister</b> under condition 3, including any subsequent revisions approved by the <b>Minister</b> , as outlined in the <i>Guidance on ‘New or Increased Impact’ relating to changes to approved management plans under EPBC Act environmental approvals (2017)</i> .
As varied on the date this instrument was signed	<b>Vegetation management plan</b> – REVOKED