



Approval

Northern Coal Logistics Project (2013/6906)

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

Action

person to whom the approval is granted Centennial Northern Coal Services Pty Ltd

proponent's ACN (if applicable) ACN: 125 670 288

action To upgrade coal preparation, handling infrastructure, transport and water management activities at the existing Northern Coal Services Site [See EPBC Act referral 2013/6906].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved with conditions

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2055.

Decision-maker

name and position Victoria Press
Acting Assistant Secretary
Assessments (NSW, ACT) and Fuel Branch

signature

date of decision

2 March 2016

Conditions attached to the approval

1. The **approval holder** must limit vegetation clearing to within the boundaries of **Site 1** and **Site 2** and must not clear more than 376 **clumps** of Black-eyed Susan (*Tetradlea juncea*) within **Site 1**.
2. For the life of the approval, the **approval holder** must ensure that:
 - a. The action does not contribute to a decline in the extent or abundance of Black-eyed Susan **clumps** within the **Site 1 buffer zone**
 - b. The action does not contribute to a decline in the extent, quality or availability of Green and Golden Bell Frog (*Litoria aurea*) habitat downstream of the action's **discharge locations**
 - c. The action does not contribute to a decline in the abundance or extent of the **Muddy Lake** Green and Golden Bell Frog population
 - d. The action does not contribute to a decline in the extent or abundance of any Green and Golden Bell Frog population identified during the surveys required by Condition 3(c).
3. To enable compliance with Condition 2(b), 2(c) and 2(d), the approval holder must develop and implement a Green and Golden Bell Frog Research Program (GGBF RP), which:
 - a. Identifies and incorporates information contained within guidelines, scientific literature, studies and other reports relevant to the design and conduct of the GGBF RP
 - b. Identifies the habitat, **population characteristics** and extent of the **Muddy Lake** Green and Golden Bell Frog population
 - c. Determines the presence of any other Green and Golden Bell Frog population within **Site 2** and/or downstream of the action's **discharge locations**
 - d. Identifies the habitat, **population characteristics** and extent of any population identified by Condition 3(c)
 - e. Commences monitoring to facilitate compliance with Conditions 3(b), 3(c), 3(d) and 5(b)(ii) during the 2016/2017 **breeding season**.
 - f. Identifies the habitat, water quality and hydrological conditions that would maintain or improve the **viability** of the **Muddy Lake** Green and Golden Bell Frog population and any other population identified by Condition 3(c)
 - g. Determines water quality and quantity discharge objectives, investigation trigger levels, and discharge limits for the **action** that will maintain or improve the habitat, extent and abundance of the **Muddy Lake** Green and Golden Bell Frog population and any other population identified by Condition 3(c)
 - h. Details a monitoring program, which includes the use of **control sites**, to confirm compliance with Condition 2
 - i. Incorporates **independent** peer review of the GGBF RP's methodology and final report by a suitably qualified herpetologist with at least five years of experience in the conduct of research on Green and Golden Bell Frog. The **independent** peer reviewer must be approved in writing by the **Minister** at least 3 months prior to commencement of the GGBF RP.
4. The **approval holder** must submit to the **Minister**, at least 3 months prior to **commencement** of the action, the findings of the GGBF RP in the form of a final report. The GGBF RP final report must be published on the **approval holder's** internet website

prior to **commencement** of the action. The GGBF RP methodology and the comments of the **independent** peer reviewer must be published on the **approval holder's** webpage referred to in Condition 18.

5. To confirm whether compliance with Condition 2 has been achieved, the **approval holder** must prepare and implement a Biodiversity Monitoring Plan (BMP). The BMP must:

a. Detail a monitoring program to detect and measure impacts on Black-eyed Susan within the **Site 1 buffer area**. The monitoring program must:

- i. detail the program (including objectives, methods, frequency, **control sites**, and investigation triggers) to be implemented to confirm compliance with Condition 2(a)
- ii. identify the pre-**commencement** extent and abundance of Black-eyed Susan clumps
- iii. be designed to detect impacts arising from dust deposition, weed invasion, pathogen infection, spills/leaks or stormwater runoff, and trampling or other disturbance by the approval holder's employees and contractors
- iv. be designed to detect and accurately delineate and measure the action's contribution to any impacts on the extent or abundance of Black-eyed Susan clumps within the **Site 1 buffer area**
- v. be planned so that the data gathered is adequate to: inform adaptive management and demonstrate whether the outcomes described in Condition 2(a) have been met
- vi. be prepared and implemented by a **suitably qualified person** and be consistent with the most recent version of the *Environment Protection and Biodiversity Conservation Act 1999 referral guidelines for the vulnerable black-eyed susan, Tetradlea juncea*.

b. Detail a monitoring program to detect and measure impacts on the **Muddy Lake** Green and Golden Bell Frog population and any other Green and Golden Bell Frog population identified during the surveys required by Condition 3(c). The monitoring program must be consistent with the monitoring program recommended in Condition 3(h) and:

- i. detail the program (including monitoring locations, parameters, methods, and frequency) proposed to confirm compliance with Conditions 2(b), 2(c) and 2(d)
- ii. identify the pre-**commencement** extent and abundance of Green and Golden Bell Frog within Muddy Lake and any other population identified by Condition 3(c)
- iii. identify performance objectives, performance indicators and investigation triggers
- iv. be designed to detect and accurately delineate and measure the action's contribution to any impacts on Green and Golden Bell Frog population/s and/or Green and Golden Bell Frog habitat
- v. be planned so that the data gathered is adequate to: inform adaptive management and demonstrate whether the outcomes described in Conditions 2(b), 2(c) and 2(d) have been met
- vi. be prepared and implemented by a **suitably qualified person** and be consistent with the most recent version of the *Environment Protection and*

- c. Detail BMP implementation timeframes, responsibilities, and reporting requirements
 - d. Be provided to the **Minister** prior to **commencement** of the action.
6. To prevent the spread of *Batrachochytrium dendrobatidis* (Chytrid fungus), the **approval holder** must implement frog handling hygiene measures similar to those described in the most recent version of the ***Hygiene Protocol for the Control of Disease in Frogs*** when handling or relocating any amphibian species at any time for the duration of the approval.
7. To minimise the risk of long-term impacts to **protected matters** adjacent to and downstream of the action the **approval holder** must comply with **New South Wales Development Consent Conditions** 25 and 27 where they relate to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting on impacts to **protected matters**.
8. To protect Magenta Lilly Pilly (*Syzygium paniculatum*), Biconvex Paperbark (*Melaleuca biconvexa*), and Green and Golden Bell Frog (*Litoria aurea*) populations downstream of the action's **discharge locations**, the proponent must comply with **New South Wales Development Consent Conditions** 13, 14 and 15 where they relate to monitoring, managing, mitigating, avoiding, offsetting, recording or reporting on impacts to these species.
9. The approval holder must advise the Minister in writing of any proposed change to **New South Wales Development Consent Conditions** 13, 14, 15, 25 or 27, within ten (10) business days of formally proposing a change or becoming aware of the NSW state government proposing a change.
10. The **approval holder** must notify the **Minister**, in writing, of any non-compliance or potential non-compliance with **New South Wales Development Consent Conditions** 13, 14, 15, 25 or 27 within ten (10) business days of becoming aware of the non-compliance or potential non-compliance.
11. If the **Minister** is not satisfied that the outcomes required under Condition 2 are likely to be achieved, or if there is insufficient evidence that the outcomes required under Condition 2 are being achieved, the **Minister** may (in writing) require the **approval holder** to submit a plan for the **Minister's** approval to reduce, mitigate, remediate or offset impacts to matters protected under the controlling provisions of this approval within a designated timeframe. The **Minister** may request that the plan be prepared or reviewed by a person designated or agreed to by the **Minister**. If the **Minister** approves the plan then the approved plan must be implemented.
12. The **approval holder** must have an environmental management system that is compliant with AS/NZS ISO 14001:2004.
13. The **approval holder** must adaptively manage Black-eyed Susan and Green and Golden Bell Frog to achieve the outcomes described in Condition 2. This must include:
 - a. Developing and implementing a plan (or plans) to achieve the outcomes outlined in Condition 2, in consultation with a **suitably qualified person**.
 - b. A documented process of adaptive management and continual improvement, including using data from monitoring and any experimentation trials to inform adaptive management
 - c. Where there is a reasonable risk (or evidence) that outcomes are not likely to be achieved: revising management measures in consultation with a **suitably qualified person**; increasing the level of effort to achieve the outcomes; and

informing the **Department**, either as part of annual compliance reporting required under Condition 16 or as a separate notification in writing.

14. Within 30 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of commencement.
15. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the GGBF RP and the BMP required by this approval and measures undertaken to achieve the outcomes specified under Condition 2. Such records must be made available upon request to the **Department** and 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 approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
16. By 31 March of each year following **commencement** of the action, the **approval holder** must publish a report on the webpage required by Condition 18 addressing compliance with each of the conditions of this approval over the previous 12 months, including implementation of the GGBF RP and the BMP as specified in these conditions and whether outcomes required by these conditions have been met. Documentary evidence providing proof of the date of publication and reporting of any 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.
17. Upon the direction of the **Minister**, the **approval holder** 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**.
18. The **approval holder** must maintain a dedicated webpage on compliance with these conditions that is publically available on the **approval holder's** website for the life of the approval. The webpage must include: the assessment documentation; a copy of the approval conditions (and any subsequent variations or other changes to the approval); the BMP and all monitoring results required under these conditions; compliance reports required under Condition 16; any documentation required under Condition 15; the final report of the GGBF RP; and any other relevant information as directed by the **Minister** in writing. Any documents required to be published by this condition must be published within one month of finalisation and must remain on the webpage for the life of the approval.
19. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must provide a copy of documents required to be published on the dedicated webpage to members of the public upon request. Copies must be provided within a reasonable time of the request, for free or at a reasonable cost.
20. If, at any time after five years from the date of this approval, the **approval holder** has not commenced the action, then the **approval holder** must not commence the action without the written agreement of the **Minister**.

Definitions

- a) **Approval holder** means the person to whom the approval is granted or any person acting on their behalf, or to whom the approval is transferred under section 145B of the EPBC Act.
- b) **Breeding season** means the period defined as “the time of peak activity for the species” in the *Significant Impact Guidelines for the Vulnerable Green and Golden Bell Frog (Litoria aurea)* (Commonwealth of Australia, 2009).
- c) **Clumps** means a Black-eyed Susan stem or group of stems that arise from a single rootstock.
- d) **Commencement** of the action means the first instance of earthworks, water discharge, vegetation removal or construction of any infrastructure (excluding fences and signage) associated with the action.
- e) **Control sites** means sites to be monitored concurrently with projects sites to provide evidence of the relative impacts or improvements as a result of the approved action.
- f) **Department** means the Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.
- g) **Discharge locations** means any location where water is discharged from **Site 1** or **Site 2** and/or the Cooranbong Entry Site, as defined in Schedule 3 and Schedule 4 of this decision notice.
- h) **Hygiene Protocol for the Control of Disease in Frogs** means *Threatened Species Management Information Circular No. 6 - Hygiene Protocol for the Control of Disease in Frogs* published by the (former) New South Wales Department of Environment and Climate Change in 2008.
- i) **Independent** peer reviewer means a person who has not been employed by the **approval holder** within the five years prior to approval of the **action**.
- j) **Minister** means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.
- k) **Muddy Lake** means the land and water defined as Muddy Lake in Schedule 4 of this decision notice.
- l) **New South Wales Development Consent** means the Development Consent and attached schedules, including conditions, issued for Application Number SSD-5145 on 29 September 2015 by a delegate of the New South Wales Minister for Planning under Section 89E of the *Environmental Planning and Assessment Act, 1979* (NSW), Sydney.
- m) **Population characteristics** means the number of breeding adults (including their temporal variability), dispersal patterns, areal and temporal habitat requirements and occupancy (for foraging, breeding, over-wintering and dispersal), breeding timeframes and critical breeding habitat or habitat characteristics, and reproductive and recruitment success, current threats, and water quality and hydrological requirements.
- n) **Protected matters** means any matter protected under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* for which this approval applies. This includes: *Tetradlea juncea* (Black-eyed Susan), *Litoria aurea* (Green and Golden Bell

Frog), *Melaleuca Biconvexa* (Biconvex Paperbark), *Syngium paniculatum* (Magenta Lilly Pilly).

- o) **Site 1** means the land defined as Site 1 in Schedule 1 of this decision notice.
- p) **Site 1 buffer zone** means the land adjacent to Site 1, as defined in Schedule 1 of this decision notice.
- q) **Site 2** means the land defined as Site 2 in Schedule 2 of this decision notice.
- r) **Suitably qualified person** means a person with relevant tertiary qualifications and/or a minimum of three years demonstrated experience relevant to the task in question, approved by the **Minister**.
- s) **Viability** means the ability of the (Green and Golden Bell Frog) population to sustain itself and maintain its pre-**commencement** extent and population characteristics.

WARNING
 No part of this plan should be used
 for critical design dimensions,
 confirmation of critical positions
 should be obtained from RPS Newcastle



TITLE: NORTHERN COAL LOGISTICS PROJECT
 EPBC 2013/6906 - SCHEDULE 1 - SITE 1 AND SITE 1 BUFFER ZONE

LOCATION: COAL LOGISTICS PROJECT

DATUM: (GDA 94)
 PROJECTION: MGA ZONE 56

DATE: 18/01/2016
 PURPOSE: T.JUNCEA BUFFER FROM SITE 1

LAYOUT REF: J:\GIS\Centennial\All\113119 Coal Logistics\10 - Drafting\Workspaces\113119 1\Subpopulation Buffer wor

CURT REF: CENTENNIAL
 JOB REF: 113119

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Legend

- Project Application Area Boundary
- Site 2 Boundary
- T. juncea to be conserved

TITLE: NORTHERN COAL LOGISTICS PROJECT EPBC 2013/6906 - SCHEDULE 2 - SITE 2 DISTURBANCE AREA | LOCATION: COAL LOGISTICS PROJECT | DATUM: (GDA 94) PROJECTION: MGA ZONE 56 | DATE: 18/01/2016 PURPOSE: NCL DISTURBANCE AREA - SITE 2 | LAYOUT REF: J:\JOB\Centennial\All Jobs\113119 Coal Logistics\10 - Drafting\Workspaces\113119 11 Subpopulation Buffer.wor

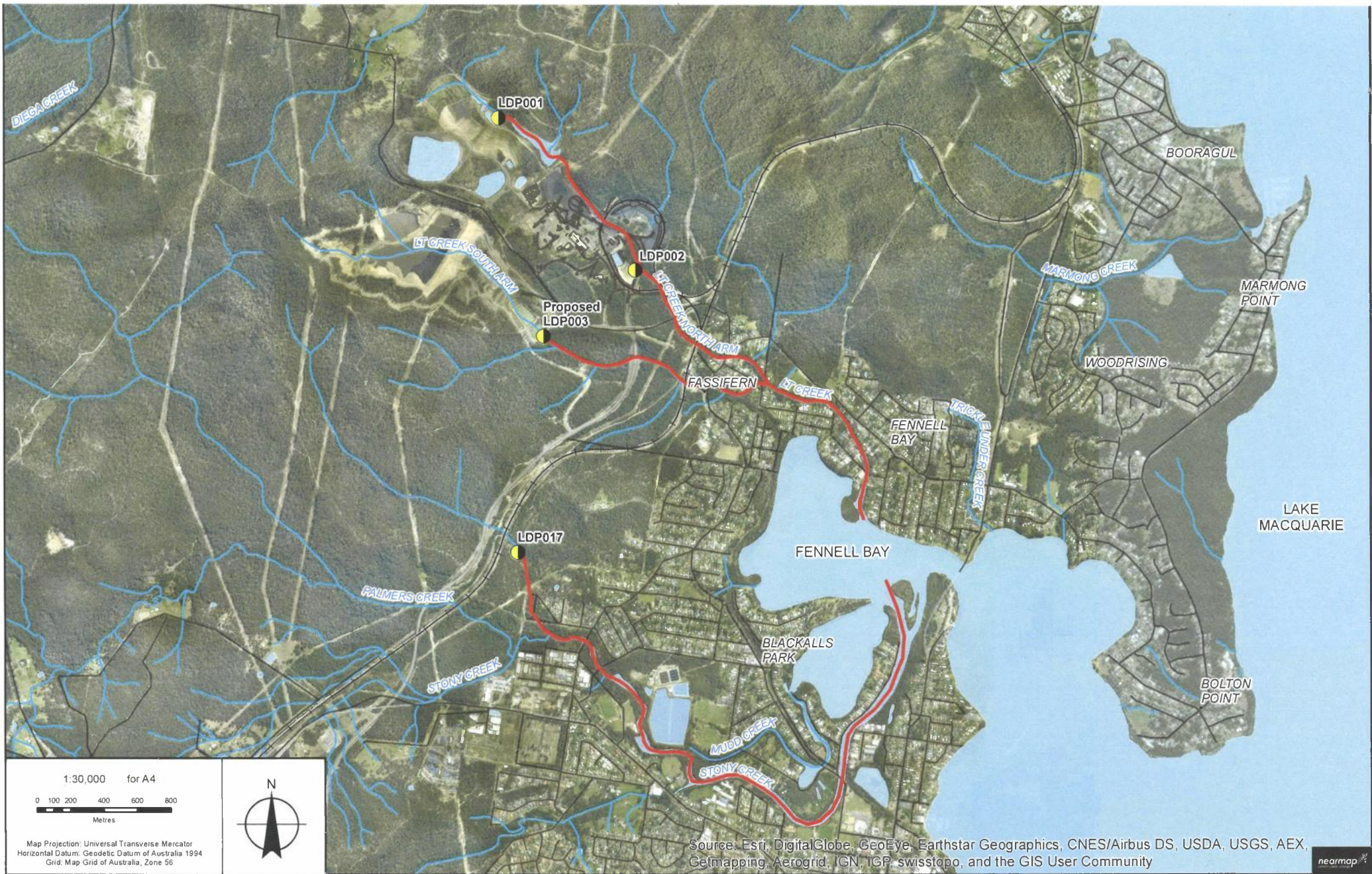
CLIENT: CENTENNIAL
JOB REF: 113119

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LEGEND

- Discharge and Monitoring Location
- Watercourses Downstream of Discharges
- Railway
- Road
- Watercourse

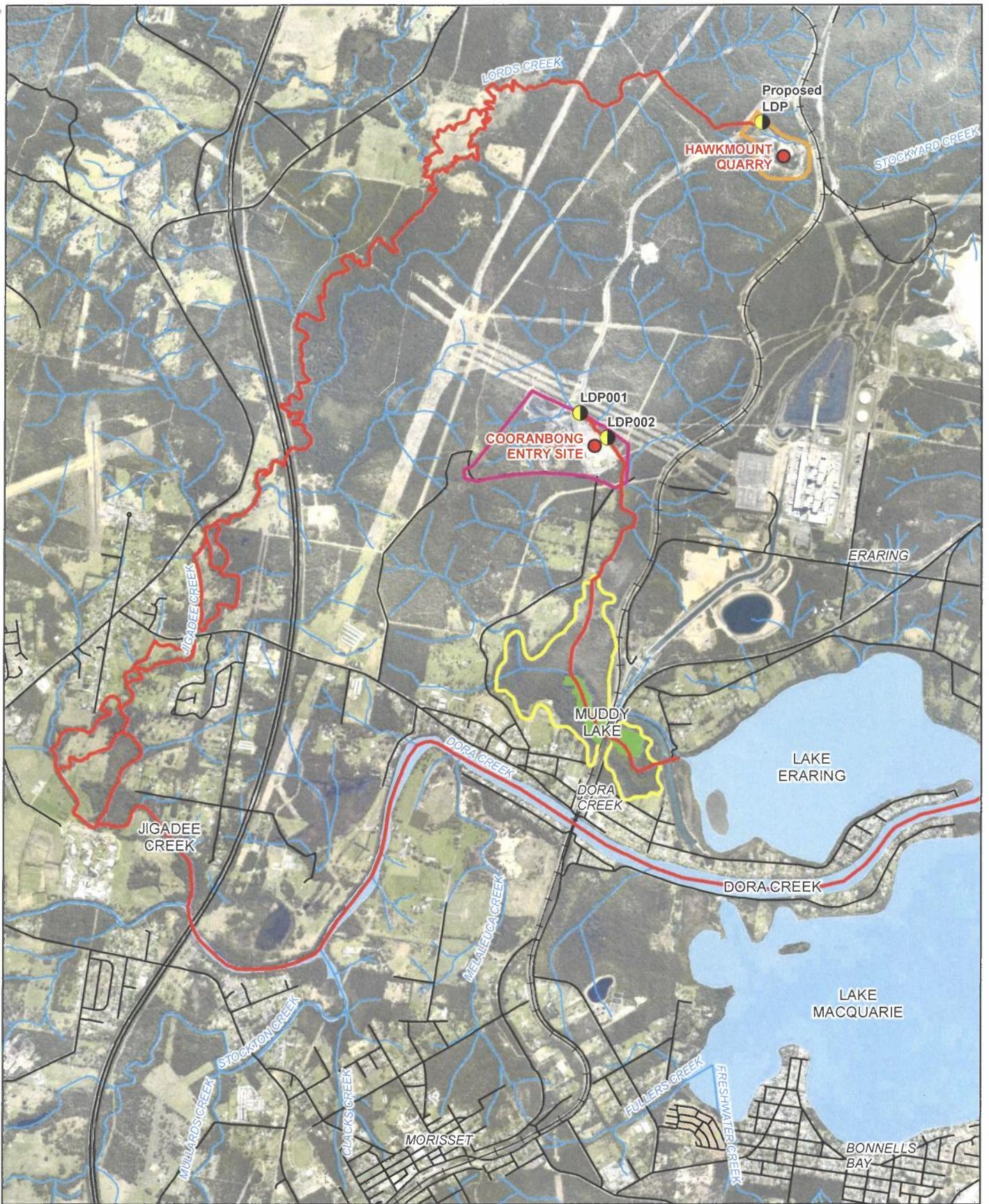
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LOCATION	Newstan
SEAM	
DRAWN	R.T.
CHECKED	G.M.
APPROVED	S.G.
SCALE	Refer to scalebar

Northern Coal Logistics Project
 (EPBC 2013/6906)
 Schedule 3
 Newstan Colliery Surface Site
 Discharge Locations

Centennial
 Northern Coal
 Services

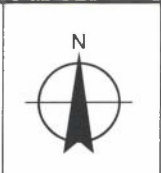
DATE 19/01/2016 Figure 3



1:40,000 for A4

0 162.5 325 650 975 1,300 Metres

Map Projection: Universal Transverse Mercator
Horizontal Datum: Geodetic Datum of Australia 1994
Grid: Map Grid of Australia, Zone 56



LEGEND

- Site Location
- Licensed Discharge Points
- Roads
- Watercourse
- Watercourses Downstream of Discharges
- Waterbody Area
- Muddy Lake Waterbody Area
- Muddy Lake - SEPP14 (CANRI, 2008)
- Cooranbong Entry Site Boundary
- Site 2

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LOCATION	Cooranbong
SEAM	N/A
DRAWN	R.T.
CHECKED	L.H.
APPROVED	S.G.
SCALE	Refer to scalebar

Northern Coal Logistics Project
(EPBC 2013/6906)
Schedule 4
Cooranbong Entry Site and
Hawkmount Quarry

Centennial Northern Coal Services

DATE	19/01/2016	Figure 4
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