



Approval
Airly Mine Extension Project, near Capertee, New South Wales (EPBC 2013/7606)

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

Proposed action

person to whom the approval is granted	Centennial Airly Pty Limited
proponent's ACN (if applicable)	ABN 078 693 722
proposed action	To expand underground mining operations at the existing Airly Mine in the Western Coalfields of New South Wales, near Capertee, New South Wales [See EPBC Act referral 2013/7076].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	approve
National Heritage places (sections 15B & 15C)	approve
Listed threatened species and communities (sections 18 & 18A)	approve
Water resources/trigger (section 24D & 24E)	approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 March 2047.

Decision-maker

name and position	Kim Farrant Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
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signature

date of decision	18 May 2017
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Conditions attached to the approval

Compliance with conditions on the New South Wales development consent

1. For the protection of **matters of national environmental significance**, the person taking the action must comply with the following conditions of the **New South Wales development consent**:

schedule	condition	subject
2	1	general obligation to prevent environmental harm
	2	requirement to undertake action generally in accordance with the EIS, mining schedule, independent expert panel advice and the NSW Development Consent
3	1	restrictions on mining in geologically sensitive areas
	2	performance measures for protection of identified commonwealth natural and heritage features
	7	preparation, approval and implementation of extraction plans, incorporating a range of relevant management sub-plans
4	11	requirement to ensure sufficient water supply for all stages of development otherwise to adjust scale of operations to match supply.
	13	requirement for compensatory water supply (as required)
	14	performance measures for water management
	15	preparation, approval and implementation of a water management plan
	16	independent expert review of groundwater management plan
	17	preparation, approval and implementation of a biodiversity management plan
	20	protection of Aboriginal heritage
	21	preparation, approval and implementation of a heritage management plan
	29 (e)	closure monitoring and management planning for groundwater

Administrative conditions

2. Within fourteen (14) days after the **commencement of the action**, the person taking the action must advise **the Department** in writing of the actual date of **commencement of the action**.
3. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon 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 approval.

Summaries of audits will be posted on **the Department's** website. The results of audits may also be publicised through the general media.

4. Within three (3) months of every twelve (12) month anniversary of the **commencement of the action**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management 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.
5. Upon the direction of **the Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to **the Minister**. The independent auditor must be approved by **the Minister** prior to the commencement of the audit. Audit criteria must be agreed to by **the Minister** and the audit report must address the criteria to the satisfaction of the Minister.
6. If, at any time after two (2) years from the date of this approval, the person taking the action has not **commenced the action**, then the person taking the action must not **commence the action** without the written agreement of **the Minister**.
7. Unless otherwise agreed to in writing by **the Minister**, the person taking the action must publish all management documents referred to in these conditions of approval on their website. This includes documents required indirectly through the **New South Wales development consent**. Each document must be published on the website within one (1) month of being approved by **the Minister**.

Definitions

Commencement of the action (also **commenced the action** etc) means the first instance of an activity described in the **environmental impact statement** as being part of the action, or, in relation to Condition 1, has the meaning given through the **New South Wales development consent**.

The Department means the Australian Government department responsible for administering **the EPBC Act**.

The **environmental impact statement** is the environmental impact statement prepared in accordance with the assessment of the action under the **EP&A Act**.

The EP&A Act is the (New South Wales) *Environmental Planning & Assessment Act 1979*.

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

Matters of national environmental significance has the meaning given under the **EPBC Act**.

The Minister means the Australian Government minister responsible for administering **the EPBC Act** and includes any delegate of the Minister.

The New South Wales development consent means the document recording the decision of the New South Wales Government, dated 15 December 2016, to grant development approval to the Airly Mine Extension Project (reference SSD_5581) under Section 89E of the ***EP&A Act***.