



**Approval**

**Appin MINE VENTILATION SHAFT NO.6 PROJECT, DOUGLAS PARK, NSW  
(EPBC 2010/5722)**

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> | BHP Billiton Illawarra Coal Holdings Pty Ltd  |
| <b>proponent's ACN</b>                        | 69 093 857 286  |
| <b>proposed 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. |

**Approval**

**Controlling Provision**

Listed threatened species and communities (sections 18 & 18A)

**Decision**

Approved

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 1 April 2041.

**Decision-maker**

**name and position**

Michelle Wicks  
Assistant Secretary  
Environment Assessment Branch

**signature**

**date of decision**

1 / 04 / 2011

## Conditions of Approval

This approval is subject to the conditions specified below.

1. The person taking the action must not clear more than 3.5 hectares of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest (CPW) vegetation (Annexure A).

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 department within three months of the completion of construction.

2. The person taking the action must submit a Biodiversity Offset Strategy to the Minister for approval. The strategy must address the following requirements:
  - (a) the conservation of at least 8.7 hectares of land containing medium to high quality CPW (Annexure A);
  - (b) in addition to land pertaining to 2(a), that land will be managed and revegetated to greater quality to that removed; and
  - (c) The land referred to in 2(a) must be protected by a legal instrument under relevant nature conservation legislation, that ensures the land is conserved in perpetuity.

The approved strategy must be implemented.

The person taking the action must not clear any CPW until the Minister approves the strategy.

3. The person taking the action must submit a Vegetation Management Plan to the Minister for approval. The plan must address the following requirements:
  - (a) make reference to the Biodiversity Offset Strategy as outlined in condition 2;
  - (b) measures to protect the population of *Pimelea spicata* found in the area proposed for protection through condition 2. These must:
    - (i) monitor the *Pimelea spicata* population to determine the success of management or the need for intervention;
    - (ii) include the establishment of thresholds that if reached would require intervention measures; and
    - (iii) identify what further management measures must be implemented if a threshold is reached.
  - (c) rehabilitate MZ2, MZ3 and MZ4 (Annexure B) using appropriate native species with input from a suitably qualified CPW expert; and
  - (d) The plan must include key milestones, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the plan for the life of the project.

The approved plan must be implemented.

The person taking the action must not clear any CPW until the Minister approves the plan.

4. If the person taking the action wishes to carry out an action otherwise than in accordance with any plan, report, program or strategy (however described) approved in relation to this approval, they may submit a revised plan, report, program or strategy (however described) for the Minister's approval. If the Minister approves a revised plan, report, program or strategy (however described) the person taking the action must implement that plan, report, program or strategy (however described) instead of the plan, report, program or strategy (however described) as originally approved.

5. If the Minister 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.
6. If the action has not been substantially commenced within 5 years of the date of this approval the action must not commence without the written agreement of the Minister.

**Definitions:**

Construction – 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.

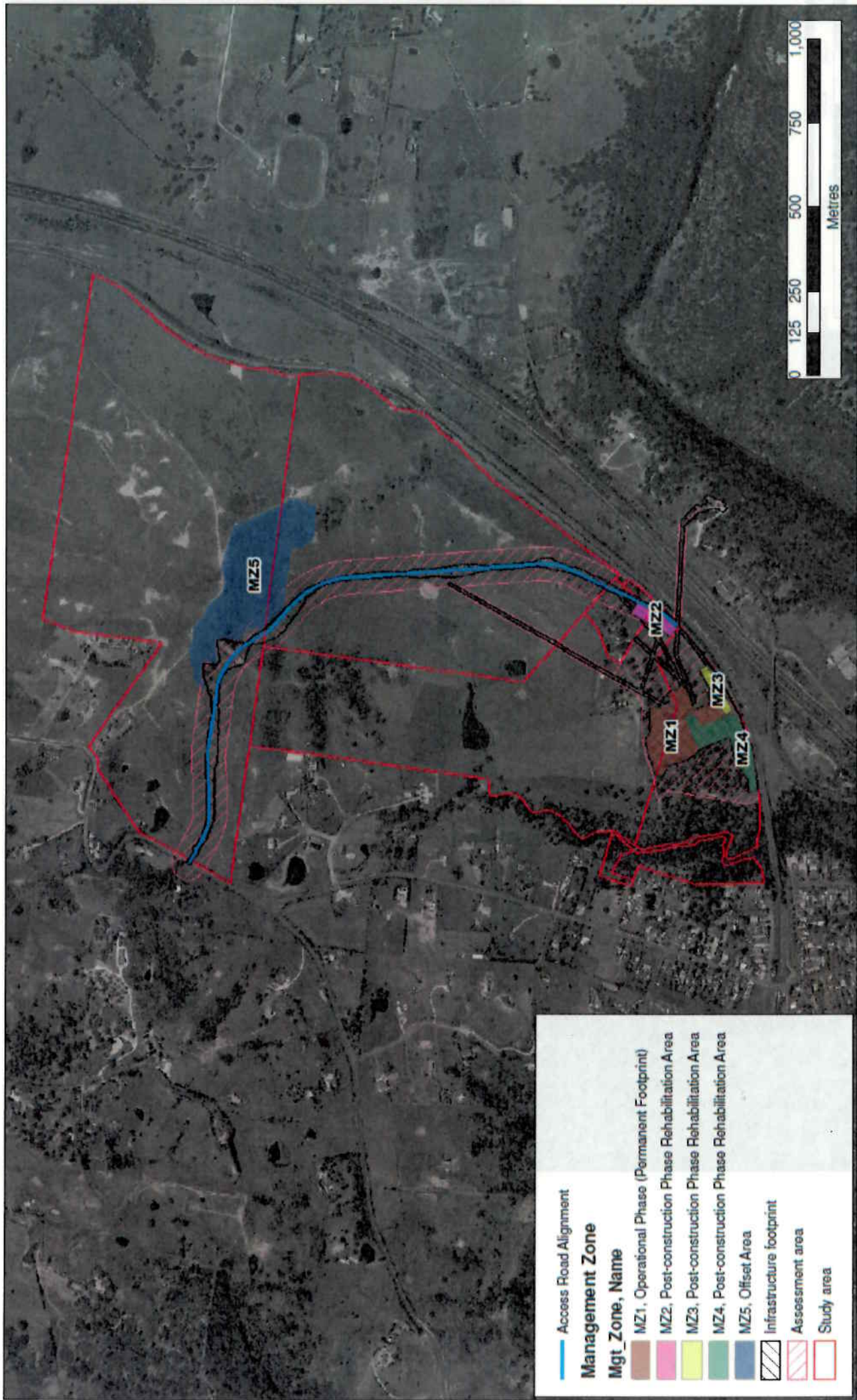
The department - the Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister is the Australian Government Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Vegetation Management Plan – the plan with this title, dated September 2010 as provided in the Preliminary Documentation.



Annexure B





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