



**Approval**

**Stratford Extension Project, Stratford, New South Wales (EPBC 2011/6176)**

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>	Stratford Coal Pty Ltd
<b>proponent's ACN</b>	064 016 164
<b>proposed action</b>	To extend the open cut coal mining and processing activities at the Stratford Mining Complex, located approximately 11 kilometres south of the town of Gloucester in the Gloucester Basin, New South Wales [see referral EPBC 2011/6176].

**Approval decision**

<b>Controlling provision</b>	<b>Decision</b>
listed threatened species and communities (sections 18 and 18A)	approve
listed migratory species (sections 20 and 20A)	approve
water resources (sections 24D and 24E)	approve

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 30 November 2030.

**Decision-maker**

<b>name and position</b>	Dane Roberts Acting Assistant Secretary Assessments (NSW, ACT) and Fuel Branch
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**signature**

<b>date of decision</b>	29 <sup>th</sup> January 2016
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## Conditions attached to the approval

### ***Endorsement of conditions on the Development Consent***

1. For the protection of listed threatened species and communities and / or water resources, the person taking the action must implement and comply with Conditions 3 to 33, 36, 39 and 53 to 55 of Schedule 3 to ***the Development Consent***.

### ***Additional conditions for the protection of listed threatened species and communities***

2. Within ten (10) business days of the approval of any biodiversity management plan in accordance with Condition 39 of Schedule 3 to ***the Development Consent***, whether in relation to an impact site, an offset site, or both, the person taking the action must provide ***the Department*** with a copy of the plan.
3. Within ten (10) business days of fulfilment (or partial fulfilment if offset areas are not secured simultaneously) of Condition 36 of Schedule 3 to ***the Development Consent*** (relating to legal security of offset areas), the person taking the action must provide ***the Department*** with documentary evidence of its fulfilment (or partial fulfilment).

### ***Additional conditions for the protection of water resources***

4. Subject to Condition 6, the water management plan required by Condition 32 of Schedule 3 to ***the Development Consent*** must:
  - a) describe and implement a surface water and groundwater monitoring programme consistent with the ***National Water Quality Management Strategy***, with sufficient spatial and temporal coverage, to:
    - i) establish appropriate baseline data, performance measures, assessment criteria and trigger values required by Conditions 31 and 32 of Schedule 3 to ***the Development Consent***
    - ii) provide for detection of exceedance of trigger values as a result of the action in a manner that is quantifiable and robust (for example by comparison to baseline data and the use of ***control sites***)
    - iii) obtain the additional data needed to validate the ***numerical groundwater model*** consistent with the requirements of Condition 32(c)(iii) of Schedule 3 of the ***Development Consent***, including:
      - seasonal variations in groundwater levels and surface water-groundwater interaction
      - strata definition
  - This programme must include installation of additional multi-level (nested) monitoring wells between the town of Stratford and the project area
  - b) define and detail a system of ***cascading trigger values*** and corresponding treatments

**Note:** ***Cascading trigger values*** must consider the potential for impacts on all relevant water-related assets, including Avondale Creek, Dog Trap Creek, and their tributaries, and private water users to the west of the project area.

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- c) describe how the water management performance measures identified in Table 8 of Condition 31 of Schedule 3 to **the Development Consent**, and groundwater assessment criteria in Condition 32(c)(iii) of Schedule 3 to **the Development Consent** will be achieved
  - d) in addition to the requirements of Condition 32(c)(iv) of Schedule 3 to **the Development Consent**, prepare a protocol that gives consideration to information products as they arise from the Commonwealth Office of Water Science's Bioregional Assessment for the Gloucester Subregion.
5. Within ten (10) business days of the approval of any water management plan in accordance with Condition 32 of Schedule 3 to **the Development Consent**, the person taking the action must provide **the Department** with a copy of the plan.
6. If it is not possible to address Condition 4a) to d) through a water management plan approved in accordance with Condition 32 of Schedule 3 to **the Development Consent**, those matters must be addressed in a separate management plan and provided to **the Minister** for his approval. In that case, the person taking the action must not **commence the action** until the plan has been approved in writing by **the Minister**. The plan, once approved, must be implemented.
7. The person taking the action must prepare and submit to **the Minister** for approval a final water impact verification report. The report must:
- a) demonstrate that the water within the final voids will not be released to surface water or groundwater systems in the long-term
  - b) consider possible worst case scenarios associated with the final voids and outline contingency responses, for example, if monitoring shows a groundwater gradient from the final voids towards the alluvium
  - c) be based on results of recalibrated groundwater and site water balance modelling as required by Condition 32(c) of Schedule 3 of the **Development Consent**:
    - i) utilises hydrological and geological data obtained during mining, including validation of the **hydraulic properties** of all **major hydrostratigraphic units**, particularly to the west of the site of the action and representation of surface water-groundwater interactions
    - ii) applies uncertainty analysis that incorporates the potential influence of climate variability
  - d) demonstrate that owners of any nearby resource developments, as described in Condition 32 of Schedule 3 to **the Development Consent**, have been consulted in preparation of the report.

The report must be provided to **the Minister** for approval between five (5) and ten (10) years prior to the expiry of this approval. Once approved in writing by **the Minister**, the plan must be taken into account in planning for the closure of the mine and the long-term management of the final voids.

### **Administrative conditions**

8. Within ten (10) business 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**.
9. The person taking the action must maintain accurate records substantiating all activities associated with, or relevant to, these conditions of approval, including measures taken to implement any **management documents**, 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 these conditions of approval. Summaries of audits will be posted on the website of **the Department** and may also be publicised through the general media.
10. By 31 March of each year after the **commencement of the action**, or as agreed with **the Department**, the person taking the action must publish a report on their website addressing compliance with these conditions of approval during the previous calendar year, including implementation of any **management documents** as specified in the conditions. Non-compliance with any of these conditions of approval must be reported to **the Department** at the same time as the compliance report is published.
11. Upon the direction of **the Minister**, the person taking the action must ensure that an independent audit of compliance with these 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**.
12. The person taking the action may choose to revise a **management document** approved by **the Minister** under Condition 6 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 of national environmental significance. If the person taking the action makes this choice they 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 of national environmental significance.
13. The person taking the action may revoke their choice under Condition 12 at any time by notice to **the Department**. If the person taking the action revokes their choice to implement a revised **management document** without approval under section 143A of the **EPBC Act**, the **management document** approved by **the Minister** must be implemented.
14. Condition 12 does not apply if the revisions to the approved **management document** include changes to environmental offsets provided under the **management document** in relation to a matter protected by a controlling provision for the action, 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.

15. If **the Minister** gives a notice to the person taking the action 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, then:
  - a) Condition 12 does not apply, or ceases to apply, in relation to the revised **management document**; and
  - b) the person taking the action must implement the **management plan** approved by **the Minister**.

To avoid any doubt, this condition does not affect any operation of Conditions 12 to 14 in the period before the day the notice is given.

At the time of giving the notice **the Minister** may also notify that for a specified period of time, Condition 12 does not apply for one or more specified **management documents** required under the approval.

16. Conditions 12 to 15 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the person taking the action to submit a revised **management document** to **the Minister** for approval.
17. If, at any time after five (5) years from the date of this approval, **commencement of the action** has not occurred, then the person taking the action must not **commence the action** without the written agreement of **the Minister**.
18. 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. Each **management document** must be published on the website within ten (10) business days of being approved by **the Minister** or being submitted under Condition 12a).

## Definitions

**Cascading trigger values** are graduated values which, if exceeded, lead to mandatory escalating responses (with accompanying reporting to regulators), beginning with investigation, proceeding to treatment, and culminating in cessation of work if treatments are not demonstrably effective.

**Commencement of the action** (or to **commence the action**) is the first instance of any activity associated with the action, including earthworks, clearing of vegetation, the excavation of an approved coal pit, or the construction of any approved infrastructure (excluding fencing and signage).

**Control sites** are sites that are similar in key respects to sites of potential impact, except that they are located outside the zone of potential impact and can therefore be used for comparative purposes.

**The Department** is the Australian Commonwealth department responsible for administering the **EPBC Act**.

**The Development Consent** is the development consent issued by the Government of New South Wales in respect of application SSD-4966, under Section 89E of the *Environmental Planning & Assessment Act 1979* (NSW).

The **EPBC Act** is the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth), as amended from time to time.

**Hydraulic properties** are the factors controlling the movement of water through rock or sediment, including vertical hydraulic conductivity, horizontal hydraulic conductivity and storativity.

A **hydrostratigraphic unit** is the part of a body of rock or sediment that forms a distinct hydrologic unit with respect to the flow of groundwater within the **numerical groundwater model** domain.

**Management document(s)** includes any plans, reports or other documents required under the terms of these conditions of approval.

The **National Water Quality Management Strategy** is the joint national approach to improving water quality in Australian and New Zealand waterways.

The **numerical groundwater model** is the MODFLOW-SURFACT model described in the environmental impact statement prepared under the New South Wales assessment process.

**The Minister** is the Australian Commonwealth minister responsible for administering the **EPBC Act**, and includes any relevant delegates.