

Proposed Decision

Northparkes Mines Step Change Project (EPBC 2013/6788)

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	CMOC Mining Pty Ltd
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proponent's ACN (if applicable)	164 997 317
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proposed action	To expand the existing Northparkes Mines (NPM) copper-gold mine located in Goonumbla, 27 kilometres (km) north of Parkes in the central west region of New South Wales (NSW) (see EPBC Act referral 2013/6788).
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DECISION to approve:

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 01 January 2035

Decision-maker

name and position	James Tregurtha, Assistant Secretary, South-Eastern Australia Environment Assessments
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Signature



date of decision	13 FEBRUARY 2014
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Conditions attached to the approval (EPBC 2013/6788)

Avoidance and mitigation of impacts on site

1. The person taking the action must not clear more than 46 hectares of Grey Box (*Eucalyptus microcarpa*) grassy woodlands and derived native grasslands of south-eastern Australia (GBGW) as part of the action.
2. The person taking the action must avoid clearing native vegetation in the **project area**, so as to maintain the vegetation specified in Section 2.2 (a) of the **Preliminary Documentation** and ensure that these areas of native vegetation persist on site.
3. To reduce direct and indirect impacts to matters of national environmental significance, the person taking the action must implement the mitigation measures set out in and as specified in Section 2.2 (b) of the **Preliminary Documentation**.

Offsetting of residual impacts

4. To compensate for the loss of 46 hectares of GBGW and the related and additional loss of habitat for other matters of national environmental significance (*Polytelis swainsonii*; *Lathamus discolor*; *Anthochaera phrygia*) the person taking the action must secure the offset lands identified as the 'Kokoda Offset Site' in Section 2.3 of the **Preliminary Documentation**. These offset lands must be protected by a legal instrument under relevant legislation on the title prior to **commencement of the action**.
5. The instrument referred to in Condition 4 must:
 - a. provide for the legal protection of the land for the duration of the impact;
 - b. prevent any conflicting future development activities, including mining and mineral extraction;
 - c. ensure the active management of the land (in accordance with Condition 9).
6. The person taking the action must provide evidence to the **Department** of their compliance with Condition 4, along with **offset attributes**, **shapefiles** and textual descriptions and maps to clearly define the location and boundaries of the offset sites, prior to the **commencement of the action**.
7. In the event that Conditions 4 and 5 cannot be met, then the person taking the action must secure alternative offset lands to the satisfaction of the **Department** prior to **commencement of the action**.
8. The area of land contained within the offset lands that are secured must include appropriate areas of offset lands (consistent with the **Department's** EPBC Act offsets policy) for each of the matters of national environmental significance that are impacted by the action, as per Section 2.4.2 and Appendix 6 of the **Preliminary Documentation**.
9. The offset lands ('Kokoda Offset Site') identified in Condition 4 must be managed to improve and maintain the condition of the offset lands to the satisfaction of the **Department** and achieve the conservation objectives of the offset lands, including:
 - a. development of a suitable management plan for the offset lands which specifies conservation objectives and how they are to be achieved. The conservation objectives must be clearly set out, measurable and consistent with the conservation management intent described in Section 2.3 of the **Preliminary Documentation**;
 - b. implementation of all management actions and conservation measures identified in the **Preliminary Documentation**, including in Section 2.3 and Appendix 7, such as, weed management, pest management, stock exclusion and ecological monitoring;

- c. active management of derived native grassland areas (GBGW) to allow regeneration and full recovery of these areas of GBGW ecological community over time;
- d. allocation of appropriate funding to achieve the conservation objectives;
- e. regular monitoring against conservation objectives and adaptive management as appropriate to achieve the conservation objectives.

Reporting and auditing

10. All survey data collected for the project, which relates to the identification and/or conservation of matters of national environment significance, must be collected and recorded so as to conform to a reasonable standard such that it can be readily used by a third party or to data standards notified from time to time by the **Department**. When requested by the **Department**, the proponent must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of the request, or in a timeframe agreed to by the **Department** in writing. The **Department** may use the survey data for various purposes, which relate to the promotion of environmental protection and biodiversity conservation.
11. Within 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**.
12. Within three months of every 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 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. The person taking the action must also notify any non-compliance with this approval to the **Department** in writing within two business days of becoming aware of the non-compliance.
13. 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**.

Revisions

14. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. The **Minister** will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised plan that plan must be implemented in place of the plan originally approved.
15. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the **Minister**

may request that the person taking the action make specified revisions to the relevant management plan specified in the conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan then the person taking the action must continue to implement the originally approved plan, as specified in the conditions.

16. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Publication of plans

17. The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this 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.

Definitions

commencement of the action – means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure.

Department – the Australian Government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister – the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

offset attributes – means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.

Preliminary Documentation – means the final assessment documentation provided to the **Department**, being the NorthParkes Mine Step Change Project Preliminary Documentation (November 2013) prepared by Umwelt (Australia) Pty Ltd.

project area – means the areas that relate directly to or are adjacent to the proposed action, as defined as "Project Area" in Figure 2.1 of the **Preliminary Documentation** (refer Annexure 1).

shapefiles – means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.

Attached to these Conditions:

Annexure 1: Figure showing the **project area**.



Legend

- Project Area
- Referral Area

ANNEXURE 1

Northparkes Mines Step Change Project