



Department of the Environment and Heritage

Daryl Cuzzubbo  
BHP Illawarra Coal  
PO Box 514  
UNANDERRA NSW 2526

Dear Mr Cuzzubbo

Dendrobium Coal Mine  
(Our Reference: EPBC 2001/214)

On 3 April 2001 it was decided that above action requires approval under Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

As a delegate for the purposes of section 133 of the EPBC Act, I have considered the action in accordance with Part 9 of the EPBC Act and decided to grant an approval to BHP Billiton Ltd to take the action in accordance with specified conditions. A copy of the approval is attached for your information.

I draw your attention to paragraph 5 of Annexure 1 to the approval, which requires you to 'submit for the Minister's approval a plan for managing the impacts of the action on the Broad-headed Snake'. The preferred method for managing impacts on the Broad-headed Snake is to provide compensatory habitat. While this has not been made an explicit requirement because of uncertainty over whether such action is practicable, it should be carefully considered when the plan is prepared.

It should be noted that although an approval has been granted under Part 9 of the EPBC Act, this approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, State or Territory that is applicable to the action, and to have any right, title or interest that is required to access land or waters and to do the action.

If you require any further information please contact John Higgins on (02) 6274 1595 or email [jhiggins@ea.gov.au](mailto:jhiggins@ea.gov.au).

Yours sincerely

Gerard Early  
First Assistant Secretary  
Approvals and Legislation Division

20/12/2001



COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD EARLY, First Assistant Secretary Approvals and Legislation Division, a delegate for the purposes of section 133 of the Act, approve the taking of the following action:

To extract Wongawilli Seam Coal from an area of reserve located to the north of the current Eloura Mine, Woronora Plateau, New South Wales, and associated works (EPBC 2001/214)

by BHP Illawarra Coal subject to the conditions set out in annexure 1.

This approval has effect for:

Sections 18 and 18A (Listed threatened species and ecological communities) of the *Environment Protection and Conservation Biodiversity Act 1999*

This approval has effect until 1 January 2032.

Dated this 20<sup>th</sup> day of December 2001



GERARD PATRICK EARLY  
FIRST ASSISTANT SECRETARY  
APPROVALS AND LEGISLATION DIVISION

ANNEXURE 1

1. Before clearing any vegetation, BHP Illawarra Coal must conduct a survey to identify any *Cryptosylis hunteriana* or *Caladenia tessellata* present in the area to be cleared. The survey must be conducted by a person or persons with appropriate tertiary qualifications and experience during the period when *Cryptosylis hunteriana* or *Caladenia tessellata* are in flower. If either or both species are found during the survey, BHP Illawarra Coal must submit for the Minister's approval a plan for managing the impacts of the action on *Cryptosylis hunteriana* or *Caladenia tessellata*, or

OK  
(see  
email  
from  
Joan  
Wiggins)

both (whichever is appropriate). Vegetation must not be cleared before the plan is approved. The action must be taken in accordance with the plan.

- Kemp
2. BHP Illawarra Coal must establish monitoring programme to establish whether Kembla Creek is used by Macquarie Perch *Macquaria australasica* for spawning. The programme must last for at least twelve months after secondary workings commence, and the results must be provided to the Minister. The following applies if monitoring indicates that the Macquarie Perch spawns in Kembla Creek: within 24 months of commencing secondary workings, BHP Illawarra Coal must submit for the Minister's approval a plan for managing the impacts of the action on the Macquarie Perch. The plan must be implemented.
  3. If BHP Illawarra Coal clear any vegetation which includes the Hairy Geebung *Persoonia hirsuta*, the area must be revegetated to resemble the original vegetation community as closely as possible. The vegetation must include the Hairy Geebung.
  4. BHP Illawarra Coal must take all reasonable measures to minimise the effect of the proposed action on the Giant Burrowing Frog *Heleioporus australiacus*, including:
    - (a) constructing a raised structure over Sandy Creek for vehicle access, and
    - (b) constructing sediment barriers and erosion humps along the access track that crosses Sandy Creek.
  5. BHP Illawarra Coal must submit for the Minister's approval a plan for managing the impacts of the action on the Broad-headed Snake *Hoplocephalus bungaroides*. The plan must be implemented. No vegetation may be cleared as part of West Cliff Coal Emplacement Stage 3 until the plan has been approved by the Minister.
- WC

## Definitions

*Secondary workings* means extraction of coal from longwall mining that may result in surface subsidence.

*West Cliff Coal Emplacement Stage 3* has the same meaning as in the environmental impact statement prepared under the New South Wales *Environmental Planning and Assessment Act 1979*.