



Mr Anthony Russo
Manager
Project Approvals
Rio Tinto Coal Australia
GPO Box 391
BRISBANE 4001

Dear Mr Russo

Hunter Valley Operations, NSW (EPBC 2016/7640)

Thank you for the letter dated 15 July 2017, requesting a variation to conditions attached to the approval for this project under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Officers of this Department have advised me on your request, including that Rio Tinto Coal Australia agreed, on 4 August 2017, to a draft variation proposed by the Department. On this basis, and as a delegate of the Minister for the Environment and Energy, I have decided to vary the conditions of approval for EPBC 2016/7640 in accordance with section 143(1)(c) of the EPBC Act.

You must now undertake the action in accordance with the conditions of approval as varied in the variation decision instrument. I have attached the variation decision instrument for your information.

Should you require any further information please contact Tim Kaminskas on 02 6275 9516 or by email (post.approvals@environment.gov.au).

Yours sincerely

James Barker
Assistant Secretary
Assessments & Governance Branch
Environment Standards Division

4 August 2017

Encl.: Variation decision instrument



VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Hunter Valley Operations – State approved mining, Hunter Valley, NSW (EPBC 2016/7640)

This decision to vary a condition of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Coal & Allied Operations Pty Ltd ACN: 000 023 656
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Approved action	The continuation of open cut coal mining operations in areas that were previously approved by the State after the commencement of the <i>Environment Protection and Biodiversity Conservation Act, 1999</i> within the Hunter Valley Operations (HVO) mine complex, located 24 km north west of Singleton, NSW [See EPBC Act referral 2016/7640].
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Variation

Variation of conditions of approval	The variation is: Delete conditions 5, 6, 7 and 9 attached to the approval and substitute with the conditions specified below.
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Date of effect	This variation has effect on the date the instrument is signed
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Person authorised to make decision

Name and position	James Barker Assistant Secretary Assessments & Governance Branch
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Signature

Date of decision	// August 2017
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Conditions

5. To compensate for residual significant impacts to 22.7 ha of Class A condition CHVEF from the Riverview Pit extension area, the **person taking the action** must identify a **direct offset site** that meets requirements of the **EPBC Act Offset Policy**, and secure the offset in perpetuity under a **legally binding agreement** within 12 months from the date of approval of the Offset Strategy at Condition 10.

6. To compensate for residual significant impacts to 68.4 ha of breeding and foraging habitat for the Regent Honeyeater, the **person taking the action** must identify a **direct offset site** that meets requirements of the **EPBC Act Offset Policy**, and secure the offset in perpetuity under a **legally binding agreement** within 12 months from the date of approval of the Offset Strategy at Condition 10.

7. To compensate for residual significant impacts to 2.6ha of breeding habitat and 102.7 ha of foraging habitat for the Green and Golden Bell Frog, the person taking the action must identify an **offset package** that meets requirements of the **EPBC Act Offset Policy**, and secure a **direct offset site** in perpetuity under a **legally binding agreement** within 12 months from the date of approval of the Offset Strategy at Condition 10.

9. The action cannot continue for more than 12 months from the date of approval of the Offset Strategy at Condition 10, unless the **direct offset sites** required by Conditions 5, 6 and 7 have been secured in perpetuity under a **legally binding agreement** by the **person taking the action**.