

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

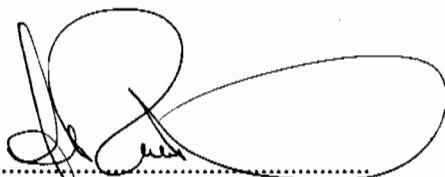
DECISION THAT ACTION IS NOT A CONTROLLED ACTION

I, ALEX RANKIN, Assistant Secretary, Environment Assessment Branch, Department of the Environment and Water Resources, a delegate of the Minister for the Environment and Water Resources for the purposes of section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, decide that the proposed action, set out in the Schedule, is not a controlled action.

SCHEDULE

The proposed action to construct and operate an open cut coal mine and ancillary facilities, including a coal preparation plant and rail loop, known as the Anvil Hill Project, to mine approximately 10.5 million tonnes of run of mine coal per annum, located at Wybong, 20 kilometres west of Muswellbrook, NSW, and as described in the referral and associated documentation received under the Act on 11 January 2007 and 7 February 2007 (EPBC 2007/3228).

Dated this 19th day of FEBRUARY 2007



**ASSISTANT SECRETARY
ENVIRONMENT ASSESSMENT BRANCH
DEPARTMENT OF THE ENVIRONMENT AND WATER RESOURCES**