

BOGGABRI COAL MINE BIODIVERSITY AND CULTURAL HERITAGE COMPLIANCE AUDIT

March 2015

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on behalf of
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1.0 Introduction

The Department of Planning and Environment (DP&E) commissioned Umwelt (Australia) Pty Limited (Umwelt) to assist in conducting a compliance audit of Boggabri Coal Mine focused on biodiversity and cultural heritage compliance issues. This report documents the findings of the audit.

Boggabri Coal Mine is owned and operated by Idemitsu Australia Resources Pty Ltd (Idemitsu) and is an open cut coal mining operation which commenced production in under the original Project Approval in 2006.

The mine is located approximately 15 kilometres to the north-east of Boggabri in the north-west region of New South Wales (NSW). Project Approval (PA09_0182) was granted for Boggabri Coal Mine by the Planning Assessment Commission (PAC) under delegation of the Minister for Planning on 18 July 2012 (including a modification approved 17 March 2014).

The compliance audit was facilitated by DP&E with two Umwelt technical specialists leading the review of biodiversity and Aboriginal cultural heritage; these specialists being Travis Peake, Practice Leader Ecology (biodiversity) and Nicola Roche, Principal Archaeologist – Aboriginal Cultural Heritage (Aboriginal cultural heritage).

OEH staff also participated in the audit for the purpose of making observations and forming recommendations regarding biodiversity and cultural heritage practices.

The site component of the compliance audit was conducted on 16 and 17 February 2015.

This report, covering cultural heritage and biodiversity issues, provides an outline of the compliance audit methodology and detailed findings. Where required, the report provides recommended actions for achieving compliance with the Project Approval. A discussion of the overall performance of the Boggabri Coal Mine as it relates to biodiversity and cultural heritage is also provided in the report.

Appendices 1 and 2 include detailed checklists of the status of compliance with conditions of the Project Approval and associated management plans relating to biodiversity. **Appendices 3 and 4** include detailed checklists of the status of compliance with conditions of the Project Approval and associated management plans relating to cultural heritage.

1.1 Compliance Audit Objectives

The key objectives for the biodiversity and cultural heritage compliance audit for Boggabri Coal Mine were as follows:

- to review compliance with the conditions of the Project Approval relating to biodiversity and Aboriginal cultural heritage, not including conditions related to providing offsets; and
- to assess the environmental performance of the Boggabri Coal Mine operations and the ability of the Boggabri Coal Mine environmental management systems and controls specifically relating to biodiversity and Aboriginal cultural heritage.

1.2 Compliance Audit Scope

The scope of the compliance audit was limited to biodiversity and Aboriginal cultural heritage matters relating to the operation of Boggabri Coal Mine, excluding biodiversity and cultural heritage offsets. The compliance audit scope included assessing compliance with the Project Approval conditions relating to biodiversity and Aboriginal cultural heritage.

The assessment of compliance against the Project Approval conditions included compliance with the biodiversity and cultural heritage management plans required by the conditions (refer to **Section 1.3**) and relevant commitments in the Environmental Assessments (EAs) for the mine.

The compliance audit scope also included undertaking an overall review of the performance of the mine as it relates to biodiversity and Aboriginal cultural heritage, including the vegetation pre-clearance process; with the audit scope being for the 2014 calendar year up to, and including, the date of the site inspections.

DP&E advised that the following compliance matters, typical of a compliance audit, were specifically excluded from the scope of the audit: Environment Protection Licence (EPL) Conditions, Mining Lease (ML) Conditions, consultation with other agencies, draft Offset Management Plan Guidelines, the draft Aboriginal Heritage Conservation Strategy for the Boggabri-Tarrowonga-Maules Creek Complex and Biodiversity Offset Areas, Commonwealth EPBC matters, assessment of offset areas, monitoring trends and community complaints.

1.3 Compliance Audit Criteria

The review assessed the level of compliance and the environmental performance of the Boggabri Coal Mine operations against the following:

- the Project Approval (PA09_0182), including the 2014 modification;
- the EA that accompanied the Project Application (PA09_0182) and the EA supporting modification 1 approved 17 March 2014; and
- strategies, plans or programs relating to cultural heritage and biodiversity issues, which have been prepared for the Project in accordance with the conditions of the Project Approval.

Plans, programs and strategies related to Aboriginal cultural heritage and biodiversity issues required to be prepared by the Project Approval that were assessed as part of the compliance audit included:

- Leard Forest Mining Precinct Regional Biodiversity Strategy;
- Biodiversity Management Plan;
- aspects of the Rehabilitation Management Plan that relate to biodiversity;
- Cultural Heritage Management Plan;

- aspects of the Water Management Plan that relate to biodiversity, including:
 - Surface Water Management Plan, specifically in relation to performance criteria for impacts on stream and riparian vegetation health; and
 - Groundwater Management Plan, specifically in relation to a program to monitor the impacts of the Project on groundwater dependent ecosystems (GDEs) and riparian vegetation.

It is noted that a revised Aboriginal Heritage Conservation Strategy for the Boggabri-Tarrawonga-Maules Creek Complex and Biodiversity Offset Areas has been prepared and submitted to DP&E in draft format. This draft document remains outside the scope of the audit.

1.4 Limitations

The findings of the compliance audit are based upon visual observations of the site and its vicinity, interviews with site personnel and our interpretation of documentation provided by Boggabri Coal Mine.

Opinions presented herein apply to the site as it existed at the time of the audit and from information provided by site personnel and government agencies. Any changes to this information of which Umwelt is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

The auditors have taken due care to consider all reasonably available information provided during the undertaking this audit and have taken this information to represent a fair and reasonable characterisation of the environmental status of the site, but recognise that any site assessment program is necessarily limited in scope and true site conditions may differ from those inferred from the available data.

2.0 Compliance Audit Methodology

The process for the biodiversity and cultural heritage compliance audit involved a review of documentation and samples of records provided by Boggabri Coal, and a site inspection of the mining operations to determine the level of environmental performance and compliance of the Project in relation to Aboriginal cultural heritage and biodiversity issues. The compliance audit process is described in more detail in **Sections 2.1 to 2.4**.

2.1 Preliminary Document Review

Prior to the compliance audit, documentation related to cultural heritage and biodiversity issues was reviewed by the cultural heritage and biodiversity technical specialists. This involved a review of the Project Approval and EAs for the operation and the management plans that have been prepared in accordance with the Project Approval. In addition, other compliance related correspondence and records were reviewed, as provided by DP&E.

2.2 Site Interviews and Inspections

2.2.1 Opening Meeting

The opening meeting was held at the Boggabri Coal Mine main office commencing at 10.00 am on 16 February 2015. The list of participants is provided in **Table 2.1**.

Table 2.1 – Opening Meeting Attendees

Opening Meeting	Organisation	Title
Stephen O'Donoghue	DP&E	Investigations Lead (Compliance) - Northern
Ray Balks	Boggabri Coal	General Manager Operations
Hamish Russell	Boggabri Coal	Environmental Superintendent
Lloyd Hardy	Boggabri Coal	Mining Manager
Renee Shepherd	OEH	Conservation and Planning Officer
Phil Purcell	OEH	Archaeologist
Phil Bell	OEH	Senior Threatened Species Officer
Travis Peake	Umwelt	Technical Specialist – Biodiversity
Nicola Roche	Umwelt	Technical Specialist – Cultural Heritage

The compliance audit team was introduced and the scope of their responsibilities was conveyed to the mine personnel by DP&E. The purpose, depth and scope of the compliance audit were outlined. The methods to be used by the team to conduct the compliance audit were explained. It was stated that the compliance audit team would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements.

2.2.2 Compliance Audit Interviews

During the on-site component of the review, interviews were conducted with the Boggabri Coal Mine staff and contractors identified in **Table 2.2**.

Table 2.2 – Personnel Interviewed During Compliance Audit

Name	Area of Operations
Alex Cockeril	Parsons Brinckerhoff Supervising Ecologist
Alan Richardson	Parsons Brinckerhoff Ecologist
Ray Balks	General Manager Operations
Hamish Russell	Environmental Superintendent
Lloyd Hardy	Mining Manager
Angela Besant	Insite Heritage Supervising Archaeologist
George Sampson	Representatives of some of the Registered Aboriginal Parties present on site at the time of the site audit
Cindy Foley	
Tracey Wortley	
Leonard Talbott	
Natasha Talbott	

2.2.3 Data Collection and Verification

Where possible, documents and data relating to Aboriginal cultural heritage and biodiversity issues collected during the compliance audit process were reviewed whilst on-site. A number of documents relating to Aboriginal cultural heritage and biodiversity issues were provided to the compliance audit team prior to the on-site component of the compliance audit. Several documents that were not available during the on-site component of the compliance audit were provided following the site inspection.

All information relating to Aboriginal cultural heritage and biodiversity issues obtained during the compliance audit process was verified by the technical specialists where possible. For example, statements made by site personnel were verified by viewing documentation and/or site inspections where possible. Where suitable verification could not be provided, this has been identified in the compliance audit findings.

2.2.4 Site Inspection

The site inspection of Boggabri Coal Mine was undertaken on 16 and 17 February 2015. The following locations were inspected by the cultural heritage and biodiversity technical specialists:

- current clearing operations, including nearby bushland where habitat trees had been surveyed and marked;
- salvaged fauna habitat stockpile sites;
- 250 metre vegetated corridor;
- mine rehabilitation;
- a sample of fenced archaeological sites;
- archaeological excavations in the Leard State Forest; and
- temporary artefact storage locations.

2.2.5 Closing Meeting

The list of participants is provided in **Table 2.3**.

Table 2.3 – Closing Meeting Attendees

Opening Meeting	Organisation	Title
Stephen O'Donoghue	DP&E	Investigations Lead (Compliance) - Northern
Ray Balks	Boggabri Coal	General Manager Operations
Hamish Russell	Boggabri Coal	Environmental Superintendent
Lloyd Hardy	Boggabri Coal	Mining Manager
Angela Besant	Insite Heritage	Archaeologist
Travis Peake	Umwelt	Technical Specialist – Biodiversity
Nicola Roche	Umwelt	Technical Specialist – Cultural Heritage

The objectives of this meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the compliance audit report.

2.3 Reporting

Following the completion of the site compliance audit, the Project Approval compliance checklists for Aboriginal cultural heritage and biodiversity issues were completed and compliance audit notes were reviewed in order to compile a list of outstanding matters to be noted in the compliance audit report. This report was prepared to provide an overview of the status of compliance by reference to the relevant compliance documentation and any other observations of the technical specialists during the site inspections and interviews. This report has been prepared primarily on an exception basis, highlighting any areas where action or improvement is required.

Assessments of the level of impact of non-compliances were undertaken using the Risk Analysis Matrix outlined in the *Draft Guidelines – Independent Environmental Audits of Mining Projects* (DP&E 2014) which assesses the likelihood of an impact occurring and the estimated level of impact to produce an overall score of high, moderate or low.

Likelihood of impact occurring	Estimated level of impact			Administrative, non-compliance
	High	Moderate	Low	
Almost certain	High	High	Moderate	Administrative non-compliance
Likely	High	Moderate	Low	
Unlikely	Moderate	Low	Low	

Figure 2.1 – Risk Analysis Matrix (Table 1 from the *Draft Guidelines – Independent Environmental Audits of Mining Projects* (DP&E 2014))

2.4 Definitions

The reporting of results from the compliance audit was determined based on the following definitions.

Compliance

The intent and explicit requirements of the condition have been met. This includes meeting all requirements with respect to consultation (agency or otherwise), timing of actions or activities, the preparation of management plans or other specific requirements of the condition.

The failure to meet any or all of the specific requirements of the condition would result in non-compliance.

Non-Compliance

A non-compliance occurs when any of the specific requirements of the condition have not been met.

Administrative Non-Compliance

A technical non-compliance with a condition of the consent that is administrative in nature and that would not result in material harm to the environment.

Verification

The inability to provide formal written verification (letter, fax, email, meeting minutes, etc.) that a requirement has been met does not necessarily result in a non-compliance. If the reviewer is able to verify by other demonstrable means (visual inspection, personal communication, etc.) that a condition has been met then, in most cases, the operation should be considered to be in compliance for that condition.

Observation

The intent of the condition has been met, however it is considered that either:

- the issue has the potential to deteriorate to a non-compliance if not further addressed; or
- further improvement is recommended.

Not Applicable

A condition or requirement has an activation or timing requirement which had not been triggered or completed at the time of the compliance audit and therefore a determination of compliance could not be made.

For each non-compliance, the *likelihood* of harm occurring as certain, likely or unlikely was estimated and the following ratings were applied as per the Risk Analysis Matrix outlined in *Draft Guidelines – Independent Environmental Audits of Mining Projects* (DP&I 2014):

High

An impact of considerable environmental significance and therefore must be dealt with and resolved as a matter of priority.

Moderate

An impact of significant risk of harm to the environment, however at a lower priority than a red risk assessment.

Low

An impact resulting in a risk of harm to the environment at a lower priority but still must be attended to.

3.0 Compliance Audit Findings – Biodiversity

The key findings of the biodiversity aspect of the compliance audit are presented in this section. A detailed assessment of compliance with biodiversity aspects of the Project Approval and management plans is provided as checklists in **Appendices 1** and **2**.

Specific findings of the biodiversity aspect of the compliance audit in relation to Project Approval, management plans, EAs and environmental performance are provided in **Sections 3.1** to **3.4**, with a conclusion in regard to the biodiversity component of the compliance audit provided in **Section 3.5**.

3.1 Project Approval (PA09_0182)

Boggabri Coal was found to be operating broadly in compliance with the conditions of the Project Approval that related to biodiversity; however, six (6) non-compliances and an administrative non-compliance with conditions (or sub-elements of conditions) were identified where action is required to ensure compliance is achieved. Several verifications were also identified, where compliance with a condition/requirement could not be determined as insufficient evidence was available, but the auditor felt that the requirement had likely been met. A number of performance observations were also made.

A completed compliance checklist against the biodiversity requirements of the Project Approval is included in **Appendix 1**. A summary of the non-compliance issues related to biodiversity aspects of the Project Approval is provided in this section.

Schedule 2, Condition 2 (a) (c) – Non-compliance

The Proponent shall carry out the project generally in accordance with the:

- (a) EA;**
- (c) conditions of this approval.**

As discussed in **Section 3.3**, the audit identified non-compliances with the commitments made in the EA, with a key issue being the identification of clearing in the form of under-scrubbing that occurred outside of the approved disturbance boundary. This occurred on 3 February 2014 and comprised two areas of approximately 5.8 hectares (in the north-east of the Project Area) and 1.9 hectares (in the north of the Project Area). The incident was not reported to DP&E at the time, however Boggabri Coal have advised that they plan on reporting on this event in the upcoming 2014 AEMR. Boggabri Coal raised the occurrence of this incident during the audit and they had undertaken an internal investigation. It is understood that DP&E is currently investigating the potential for follow-up regulatory action.

The audit also identified some non-compliances with conditions of the Project Approval as discussed below.

Risk Rating:

Insufficient level of evidence to determine risk – DP&E investigation to be conducted.

Recommendation:

It is recommended that Boggabri Coal ensure clearing for the Project is undertaken within the approved disturbance boundary. It is noted that in correspondence from GM Operations to Boggabri Coal that a range of measures (including reviewing the BMP, improving supervision of contractors, providing training on environmental constraints and distributing mine plans prior to contractors commencing work) have been implemented across the site to prevent similar incidents from occurring again.

Schedule 3, Condition 49 (d) – Non-compliance

The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must:

(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);

The BMP has not been implemented in a fully compliant manner, **Section 3.2** documenting those commitments within the BMP that have not been complied with. In addition, while Sections 9.2.4 and 9.2.5 of the approved BMP describe an internal and independent review process to detect non-compliances with the completion criteria, and requirements to implement corrective measures if the criteria are not met, triggers for corrective measures and remedial actions are not described. It is noted that the draft, updated version of the RMP (Boggabri Coal September 2014) contains a Trigger, Action, Response Plan for biodiversity matters in the rehabilitation area.

Risk Rating:

As agreed with DP&E, the risk rating for the implementation of the BMP was made consistent with the highest risk rating identified for non-compliances with the management plan (refer to **Appendix 2**).

Likelihood of harm occurring is 'Likely' and the estimated level of impact is 'Moderate'.

The overall risk rating is 'Moderate'.

Recommendation:

It is recommended that the BMP be revised to include details for triggers for corrective measures and remedial actions.

Schedule 3, Condition 49 (e)(vii) – Non-compliance

(e) include a detailed description of the measures that would be implemented including the procedures to be implemented for:

(vii) managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological);

Section 1.2 of the approved BMP refers the management of cultural heritage values to the Cultural Heritage Management Plan (CHMP). The BMP does not include a detailed description of measures that would be implemented to manage any potential conflicts between restoration works and Aboriginal heritage.

Risk Rating:

Likelihood of harm occurring is ‘Unlikely’ and the estimated level of impact is ‘Moderate’

The overall risk rating is ‘Low’.

Recommendation:

It is recommended that the BMP be revised to discuss the management of any potential conflicts between restoration works and Aboriginal heritage values.

Schedule 3, Condition 49 (e)(x) – Administrative Non-compliance

(e) include a detailed description of the measures that would be implemented including the procedures to be implemented for:

(x) controlling erosion;

Section 8.2.1.8 of the approved MP provides a listing of measures to be undertaken to manage soil erosion in the Biodiversity Offset Areas; however, no reference is made to managing erosion within the Project Area.

Recommendation:

At its next review, the BMP should be revised to include reference to the management of erosion within the Project Area consistent with the Erosion and Sediment Management Plan.

Schedule 3, Condition 51 (a) – Non-Compliance

For the vegetated buffer corridor required to be retained and protected between the projects under Condition 7 of Schedule 2 of this approval the Proponent shall:

(a) use its best endeavours to work cooperatively with the Proponent of the Maules Creek Coal Project to enhance the functioning of the area as a biodiversity corridor; and

Section 7.17 of the approved BMP notes that records of consultation with the Maules Creek Coal Project are maintained and included in the Annual Environmental Monitoring Report (AEMR), when applicable. Review of the AEMR for 2013 found no reference to consultation with representatives of the Maules Creek Coal Project regarding the vegetated buffer corridor. It was advised that Boggabri Coal has maintained regular communication with the Project ecologist for Maules Creek, including sharing information on species recovered and threatened species locations within the Leard SF and Boundary and that this is planned to be documented in the 2015 AEMR.

Risk Rating:

Likelihood of harm occurring is ‘Unlikely’ and the estimated level of impact is ‘Low’

The overall risk rating is ‘Low’.

Recommendation:

It is recommended that Boggabri Coal continue to seek to work cooperatively with the Maules Creek Coal Project specifically regarding the functioning of the area between the two projects as a biodiversity corridor, keep records of such efforts and include details in future AEMRs.

3.2 Management Plans

Boggabri Coal has developed a number of environmental management strategies, plans and monitoring programs for the Project related to biodiversity in accordance with the relevant requirements of the Project Approval. These documents address specific biodiversity impacts associated with the Project and reflect the requirements detailed in the Project Approval. The strategies and plans required to be prepared, and reviewed as part of the biodiversity aspect of the audit, include:

- Leard Forest Mining Precinct Regional Biodiversity Strategy;
- Biodiversity Management Plan;
- Rehabilitation Management Plan; and
- aspects of the Water Management Plan that relate to biodiversity, including:
 - Surface Water Management Plan, specifically in relation to performance criteria for impacts on stream and riparian vegetation health; and
 - Groundwater Management Plan, specifically in relation to a program to monitor the impacts of the Project on groundwater dependent ecosystems (GDEs) and riparian vegetation.

Overall, the audit found that the management strategies, plans and programs that had been prepared for the development were generally adequate and prepared in accordance with the relevant compliance requirements. The Project Approval conditions relating to biodiversity and water management were found to be adequately covered in the Surface Water Management Plan and Groundwater Management Plan (note that the review of these plans only focussed on the specific requirements relating to biodiversity). The majority of the management measures outlined in the Biodiversity Management Plan, in particular, are being undertaken in some manner across the Boggabri site. A range of commitments relating to tree-felling procedures, rehabilitation, access control and soil testing were found to be being carried out from the site inspection or through reporting requirements.

OEH observed that, in general, pre-clearing and Stage 1 and 2 clearing activities appeared to be undertaken as per the BMP requirements. OEH noted a departure from some measures including delays in the implementation of the radio-tracking program and the stag tree trial, and lack of obvious evidence of weed and pest programs. Commentary on the activities involving pre-clearing trapping requirements and nest box/salvaged hollows was also provided. OEH also suggested that focusing effort into the mitigation of impacts on bats, due to their presence during pre-clearing activities, should be considered.

The audit identified a number of areas in which the measures outlined in the management plans were not being implemented. Some of the key areas of non-conformance are discussed below.

Section 7.4 of the BMP outlines the measures to protect the vegetation and soil outside the disturbance areas. It is noted that Boggabri Coal reported to the auditor the unauthorised clearing of approximately 7.7 hectares of native vegetation outside their Project Boundary in February 2014, which is contradictory to the aims of minimising the biodiversity impacts of the Project and the measures outlined in Section 7.4 of the BMP. Additionally, documentation provided subsequent to the site visit shows that the clearing incident was not managed in accordance with the Incident Management Protocol. Boggabri Coal regarded the incident as not serious enough to constitute an Environmental Incident due to the clearing not causing actual or potential harm to the health or safety of human beings or ecosystems that was not trivial. The BMP states, however, that an "incident" relating to biodiversity may include 'clearing of vegetation beyond the clearing limits' and therefore it is considered that this should have been reported to DP&E. It is understood that DP&E are currently investigating the potential for follow-up regulatory action.

Condition 49(e-iv) of Schedule 3 of the Project Approval requires that the proponent shall implement measures and procedures for collecting and propagating seed. This is outlined in Section 7.9 of the approved BMP and some evidence of the collection of *Eucalyptus* seeds was provided for the audit. However, specific details on seed collection across multiple vegetation classes and the adequate propagation and germination methods, was not provided. No seed collection reports or information within the latest AEMR was sighted as per the requirement outlined in Section 7.9 of the BMP.

Some other non-compliances with the requirements of the management plan were found during the audit process including documenting of a range of commitments in reporting and inclusion in monitoring programs including:

- no evidence of monitoring weed and pest densities within land adjoining the Project Boundary and working with land managers to complete control events;
- annual environmental reporting has not documented the progress and effectiveness of weed and pest management;
- no evidence of regular meetings with adjoining land managers to discuss biodiversity management issues;
- no evidence of establishing and monitoring the fire regimes in Leard State Forest in relation to biodiversity; and
- no annual reporting on the progress of the Project in relation to the BMP and identifying any compliance issues to be addressed.

Review of the BMP found that the document is very prescriptive on certain aspects, to a level of detail that is viewed as perhaps being unnecessary. Some of the level of prescription documented means that achieving a high level of performance against the BMP will be challenging. This has resulted in a number of non-compliances where actual works on site that are considered suitable are not compliant with the management plan. This includes management commitments related to issues such as fire regime establishment, landholder consultation and fire monitoring across the site. This level of prescriptive detail is inappropriate for a management plan and would be more appropriately contained within appended site-specific procedures. Much of this prescription is not considered to contribute to achieving a high level of biodiversity management performance and Boggabri Coal should review the BMP against current site practice, in consideration of best practice approaches and revise the management plan to provide a clear guide of required practice at the site.

A completed compliance checklist against the biodiversity commitments of the strategies and management plans is included in **Appendix 2**.

3.3 Environmental Assessment Documents

The Boggabri Project EA (Hansen Bailey 2010) contained a range of commitments relating to biodiversity including relevant mitigation and management measures outlined in the main text (Section 8.4 of the EA), Statement of Commitments (Section 9 of the EA) and the Biodiversity Impact Assessment specialist report (Appendix J of the EA).

The audit found that the commitments outlined in the EA documents were generally consistent with the management measures documented in the various management plans prepared for the Project; that is, the required measures had been incorporated into the management plans. Of particular note was the inclusion of a detailed two-stage clearing protocol where further detail and a clear procedure was provided in the BMP with the requirement of a staged clearing program and the provision of Tree Clearing Reports from the Project Ecologist.

The provision of specific aquatic fauna measures such as the maintenance of fish-friendly passages and the planting of macrophytes along stream banks (as described in Section 8.4.3 of the EA) were not found to be incorporated in documentation reviewed as part of this audit. It is recommended that Boggabri Coal review this requirement and incorporate it into site practice and management plans as required.

One key area of non-conformance with the commitments made in the EA was identified in the audit being the clearing of an area outside of the approved disturbance boundary. During the on-site inspection, evidence was presented by mine representatives that an area of land in the north-east and north, located outside of the approved disturbance boundary, was cleared (under-scrubbed, however habitat trees were not removed). This clearing was undertaken in February 2014 and comprised two areas at a total of 7.5 hectares (7 hectares in the north-east and 0.5 hectares in the north). It is understood that following the identification of this clearing event DP&E is currently investigating the potential for follow-up regulatory action.

3.4 Environmental Performance

The audit found that, overall, there was a generally good level of biodiversity performance at the Boggabri Mine site. In terms of on-site environmental management, site staff displayed a good understanding of the key biodiversity issues and were focused on implementing measures that would minimise impacts. A wide range of environmental management measures related to biodiversity were in place at the site, including a detailed and effective vegetation clearance procedure to minimise the impacts on key biodiversity features across the site.

Appropriate management responses were implemented to issues that have arisen including the discovery of a newly-found threatened species occurring with the Leard State Forest (*Tylophora linearis*). Boggabri Coal commissioned further targeted surveys to locate the species within the Project Area Boundary and revised the pre-clearing survey methodology in the Biodiversity Management Plan and clearing protocol for future clearing events.

Boggabri Coal also responded effectively to an OEH/DPE requirement to modify the vegetation clearing program, which resulted in its annual occurrence being restricted to the period from 15 February to 30 April, and only in air temperatures of less than 35°C.

Tree-clearing surveys and operations were found to be undertaken by experienced ecologists who had sound knowledge of the key ecological features of the site. The clearing protocols were done effectively and professionally with good communication and interactions between the ecologists and machinery operators. Completed Tree Clearing Reports were sighted from previous vegetation clearance events outlining the procedures undertaken, species recorded and any relevant results recorded.

Boggabri Coal reported to the auditor the unauthorised clearing of approximately 7.7 hectares of native vegetation outside of their disturbance boundary in February 2014, which represents a serious non-compliance of the approval conditions for the Project and is contradictory to the aims of minimising the biodiversity impacts of the Project. Boggabri Coal were forthcoming regarding their non-compliance in relation to this incident and have indicated their intention to work carefully with relevant government authorities.

The commitments regarding the implementation of a seed collection and propagation program for use in rehabilitation activities were found to be underdeveloped and not reported on adequately for the site. Although site staff were able to describe aspects of the seed collection and propagation program to the satisfaction of the auditors in relation to its implementation, the specific elements of the program are not documented. The audit also found that the commitments to the management of weeds and pests could be improved at the site and further management measures relating to the protection of the vegetated corridor between the Project and the Maules Creek Coal Project should be implemented.

3.5 Conclusion

The biodiversity aspect of the audit found several non-compliances and administrative non-compliances with the Project Approval, Management Plans and Environmental Assessment that apply to the Boggabri Coal Mine. Many of these issues were of a more technical nature relating to formal compliance management, whilst overall on-site environmental management performance of the site was found to be generally good. One significant departure from the approval conditions has been noted, in the form of unauthorised clearing, and Boggabri Coal is currently working with DP&E in their investigation of this incident.

4.0 Compliance Audit Findings – Aboriginal Cultural Heritage

The key findings of the Aboriginal cultural heritage aspect of the compliance audit are presented in this section. A detailed assessment of compliance with Aboriginal cultural heritage aspects of the Project Approval and management plans is provided as a checklist in **Appendices 3** and **4**.

Specific findings of the Aboriginal cultural heritage aspect of the compliance audit in relation to Project Approval, management plans, EAs and environmental performance are provided in **Sections 4.1** to **4.4**, with a conclusion in regard to the cultural heritage aspect of the compliance audit provided in **Section 4.5**.

4.1 Project Approval (PA09_0182)

Boggabri Coal was found to be operating broadly in compliance with cultural heritage aspects of the Project Approval; however, two non-compliances and two administrative non-compliances with conditions (or sub-elements of conditions) were identified where actions are required to ensure compliance is achieved. A number of performance observations were also made and compliance with one condition assessed as requiring further verification. A completed compliance checklist against the Aboriginal cultural heritage requirements of the Project Approval is included in **Appendix 3**. A summary of the non-compliance issues is provided in this section.

Schedule 2, Condition 2 (a) – Non-compliance and Administrative Non-compliance

The Proponent shall carry out the project generally in accordance with the:

- (b) EA;**
- (c) conditions of this approval.**

Section 8.6.3 of the EA (2010) includes a commitment to offer training for one member of each of the Registered Aboriginal Parties (RAPs) in relation to site recording, artefact recording and basic analysis. Based on the available evidence, no such training has been offered to date and the Cultural Heritage Management Plan (CHMP) does not include specific provision for the completion of such training. The remaining commitments made in the EA have generally been incorporated into the CHMP and no other issues relating to Aboriginal cultural heritage were identified relating to the EA.

An administrative non-compliance with Condition 2 (a) part (c) was also identified due to the administrative non-compliance with Schedule 3, Condition 20 (a), as discussed further below.

Risk Rating:

For the non-compliance, the likelihood of harm occurring is 'Unlikely' and the estimated level of impact is 'Low'. The overall risk rating is 'Low'.

Recommendation:

It is recommended that the revision of the CHMP include information on how the commitment to offer training for RAP representatives will be met, including timeframes for delivery of training. The training program should be designed with reference to the relevant sections of the EA and may involve additional consultation with RAPs regarding mechanisms and timing for delivery.

Recommendations regarding the administrative non-compliance with the requirement to carry out the Project in accordance with the conditions of approval are provided below.

Schedule 3, Condition 20 (a) – Administrative Non-Compliance

During mining operations on site, the Proponent shall:

(a) implement best practice blasting management to:

- **minimise blasting impacts on heritage items in the vicinity of the site;**

To the satisfaction of the Director-General.

The approved CHMP states that 'any sites identified as potentially vulnerable to blasting damage will be monitored to ensure that damage from fly rock or vibration is not incurred.' However, the HMP does not identify any such sites or provide any mechanisms/evidence that blasting impacts have been minimised. During the site visit, it was identified that site NV48 was considered potentially subject to impacts from flyrock during construction blasting and that protective measures were successfully adopted, indicating that efforts have been made to minimise blasting impacts. It is recommended that the CHMP be updated to identify the sites that may be potentially vulnerable to blasting damage and identify the controls required.

No evidence was provided of the satisfaction of the Secretary relating to efforts made to minimise blasting impacts on heritage items. For this reason the condition was assessed as an administrative non-compliance.

Recommendation:

It is recommended that the revision of the CHMP specifically address this requirement, potentially involving the provision of advice from a suitably qualified person regarding how efforts have been made to minimise blasting impacts on heritage items.

Boggabri Coal should also seek confirmation of the Secretary's satisfaction with the measures in place to minimise blasting impacts on heritage items.

Schedule 2, Condition 56 – Non-compliance

The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:....

The CHMP has been broadly implemented on site, however, as discussed in **Section 4.2** and **Appendix 4**, some non-compliances and administrative non-compliances with the implementation of the plan were identified.

Recommendation:

Address the non-compliances identified in Appendix 4 to achieve compliance with the HMP.

4.2 Management Plans

Boggabri Coal has developed a Cultural Heritage Management Plan. This is the primary document that addresses specific Aboriginal cultural heritage management activities associated with the Project and reflects the requirements detailed in the Project Approval (except where noted above).

A completed compliance checklist against the CHMP is included in **Appendix 4**. A summary of the non-compliance issues related to the CHMP is provided in this section.

Overall, the audit found that the CHMP prepared for the development was generally adequate and prepared in accordance with the relevant compliance requirements. The majority of the management measures outlined in the CHMP are being implemented across the Boggabri site. However, the audit also identified a number of areas in which the measures outlined in the CHMP were not being implemented. Some of the key areas of non-conformance are discussed below.

Sections 5.2.9 and 10.1 of the CHMP specify that reporting on the outcomes of Stage 1 salvage works will be completed within six months of completion of the Stage 1 salvage works or prior to the commencement of Stage 2 salvage works, whichever is first. Boggabri Coal advised that Stage 2 salvage works commenced on 17 February 2015 but that the completion of the salvage report is not anticipated until six weeks after the completion of 2015 tree clearance (tree clearance period ends on 30 April). This is not compliant with the timeframe specified in the CHMP and completion of the report should be prioritised.

As a result of the lack of a completed salvage report, it was not possible as part of the audit to verify compliance with salvage requirements specified in Section 5.1.1 (Stage 1 Rail Loop and Rail Spur Line) and Section 5.1.3.1 (Stage 1 pit progression) of the CHMP. Additional correspondence provided by Insite Heritage indicates that the Stage 1 salvage works have been completed. Boggabri Coal has supplied a list of Aboriginal Site Impact Recording (ASIR) forms submitted to OEH. This list includes the majority of sites listed in Table 3 of the CHMP, with the exception of four scarred trees (which were identified as being subject to salvage only if unavoidable) and three isolated artefacts (BC18, BC19 and BC22) located within the haul road/rail loop infrastructure area. The absence of ASIR forms for the scarred trees may reflect the avoidance of impacts to these sites, as demonstrated for BC51, which was identified as fenced and protected during the site inspection. However, the reason for the absence of ASIR forms for the three isolated artefacts is not clear. It could therefore not be confirmed that all sites listed in Table 3 of the CHMP were salvaged nor is detailed information provided to demonstrate that the salvage works were undertaken in accordance with the methodologies provided in the CHMP. As it was not possible to verify compliance with these requirements during the current audit, it is recommended that a further evaluation of compliance with salvage requirements be undertaken following submission of the Stage 1 salvage report.

In addition, the list of ASIR forms supplied by Boggabri Coal included ASIR cards for BC30 (AHIMS #20-4-0124 – scarred tree) and BC31 (AHIMS #20-4-0125). Table 2 of the CHMP identifies that these sites will be conserved during the course of the project. As the content of ASIR forms for these sites was not provided for review, the context of the recorded impacts (i.e. the nature of the recorded impact on the ASIR form and whether or not it is due to the mining operation) to BC30 and BC31 cannot be confirmed. Further information on the nature of the impacts to sites BC30 and BC31 should be provided to DP&E in order to verify whether management of these sites is in accordance with the conservation of these sites as outlined in the CHMP.

Section 4.2.1 of the CHMP specifies that condition monitoring of sites should be undertaken on a biannual basis prior, during and after construction and operational phases. Correspondence from Insite Heritage indicates that some level of monitoring was undertaken for a small proportion of sites but that this did not include all sites subject to protective measures. During audit interviews, Angela Besant identified that biannual monitoring had not been undertaken in accordance with CHMP. Boggabri Coal are not compliant with this component of the CHMP.

The completion of monitoring provides a means to ensure required protective measures for sites remain in place and that any potential lapses in process/mechanisms and associated potential impacts to Aboriginal archaeological sites are identified and mitigated accordingly. The lack of condition monitoring also means that there is insufficient evidence with which to demonstrate that the protective measures for sites not subject to impact have been implemented in accordance with CHMP requirements (refer to Sections 4.2.1, 4.6 and 4.6.1), including the requirement to fence all sites within 100m of construction works or operational areas. It is recommended that monitoring works should be undertaken to assist in achieving compliance with the CHMP and that the resulting monitoring report should include evidence to demonstrate that all sites within 100m of construction works or operational areas have been appropriately fenced and protected.

Section 5.3.3 of the CHMP identifies that salvaged scarred trees will be temporarily stored in a secure location on site. During the site visit, the storage location for three salvaged scarred trees was inspected. The trees are stored in a core shed that is locked but accessible to a range of staff. The trees were stored adjacent to drums of chemical, core racks and other materials and thus were not protected from incidental impacts. This is not considered compliant with the requirements of the CHMP. No evidence of archival recording of the trees or any documents pertaining to management of the trees were provided during the audit, however, this may again be resolved by completion of the Stage 1 salvage report.

During the inspection, it was noted that one of the salvaged trees had been identified as a habitat tree via the painting of a pink 'H' on a non-scarred section of the trunk. A previous incident involving defacement of a scarred tree during habitat mark-up had occurred at Boggabri Coal. Hamish Russell indicated that Boggabri Coal was unaware that a second scarred tree had been marked in this way. It is understood that Boggabri Coal will submit a formal incident report to DP&E including information on the date at which pre-clearing inspections were undertaken in the original vicinity of the scarred tree (presumably the date at which the tree was marked) and why the tree was not subject to protective mechanisms that would have prevented it from being marked in this manner. We understand that this matter will be the subject of further review by DP&E and is not addressed in further detail in this audit report.

Section 2.3 of the CHMP specifies that the CHMP will be reviewed every 12 months. The currently approved version of the CHMP is dated December 2013, with review due prior to December 2014. A revised CHMP was submitted to DP&E in February 2015. This indicates that the review of the document was ongoing during the specified 12 month period but was not finalised within that timeframe.

Sections 4.2.3 and 4.2.4 of the CHMP provide information on the use of construction clearing checklists and work area packs as mechanisms to minimise the likelihood of incidental impacts to Aboriginal archaeological sites. No examples of a construction clearing checklist were provided and it appears that there is some variation in the current naming of these documents as compared to the terminology used in the CHMP. This should be resolved in the revised CHMP to prevent any confusion. Examples of ground penetration permits were provided and include provision for conditions relating to Aboriginal cultural heritage. Section 4.2.4 of the CHMP specifies that evidence of Aboriginal cultural heritage clearances will be required for works in areas that have not been subject to previous ground disturbance. However, there is no clear definition of what constitutes 'previous ground disturbance' for the purposes of requiring cultural heritage clearance. Clarification of this definition and its application in the revised CHMP would prevent any potential misunderstandings or perceived non-compliance with this aspect of the CHMP.

It is also noted that the Stage 2 CHMP was submitted for approval to DP&E very shortly before the Stage 2 salvage works commenced, but due to timing was not approved prior to works commencing. Whilst this is not a compliance issue it does pose a risk in that should the management plan in its submitted form not be approved and require revision, works undertaken prior to the approval of the plan may not be compliant with the final version of the plan. It is recommended that in the future Boggabri Coal aim to submit plans related to salvage earlier to provide sufficient time for such plans to be reviewed and assessed. It is noted that Stage 2 salvage works are now well progressed and the Stage 2 CHMP remains unapproved. It is possible that the Stage 2 CHMP can be further revised to incorporate audit recommendations, where feasible.

4.3 Environmental Assessment Documents

The Boggabri Project EA (Hansen Bailey 2010) contained a range of commitments relating to Aboriginal cultural heritage including relevant mitigation and management measures outlined in the main text (Section 8.6 of the EA) and the Statement of Commitments (Section 9 of the EA).

The audit found that the commitments outlined in the EA documents were generally consistent with the management measures outlined in the CHMP; that is, the required measures had been incorporated into the management plans. As discussed in **Section 4.1**, the exception to this is a commitment to offer training for one member of each of the Registered Aboriginal Parties (RAPs) in relation to site recording, artefact recording and basic analysis. Based on the available evidence, no such training has been offered to date and the Cultural Heritage Management Plan (CHMP) does not include specific provision for the completion of such training.

The Statement of Commitments (SOC21) and EA (Section 8.6.3) commit Boggabri Coal to fund and construct a Keeping Place during the period of the Project. Section 5.5 of the CHMP identifies that the development and scope for a Keeping Place form part of the scope of the Aboriginal Heritage Conservation Strategy. The Aboriginal Heritage Conservation Strategy has not yet been finalised and therefore is not directly addressed in this audit. However, we understand that there are a range of issues surrounding the establishment of a Keeping Place that remain subject to review.

4.4 Aboriginal Cultural Heritage Management Performance

The audit found that, overall, there was a generally good level of performance in relation to the management of Aboriginal cultural heritage at the Boggabri Mine site. In terms of on-site environmental management, site staff indicated a good understanding of the key aspects of the CHMP and its implementation.

Boggabri Coal appears to be making strong efforts to undertake ongoing consultation with all Aboriginal parties (whether they form part of the RAPs for the Project or not) so that all interested parties are provided with relevant information regarding the Project. This is particularly noted with reference to provision of access to the site for cultural purposes.

It is noted that there is significant variation between the process by which the operations within the region (namely Boggabri Coal, Maules Creek Coal and Tarrawonga Coal) undertake consultation and select those parties to be directly involved in on-site works and this was noted by OEH. Decisions of this nature are not mandated in relevant guidelines and are approached differently across the State, however, it was apparent that the variation between local mining operations has engendered some confusion and apparent frustration within the Aboriginal community. It was also noted that the Aboriginal party representatives present on site expressed frustration in the current meeting system but that these frustrations were from different perspectives depending on the representative. There may be an opportunity for these frustrations to be resolved by modifying the strategy for meetings and the mechanism for decision-making processes at RAP meetings. There is also some scope for greater consistency in consultation as a result of the development of an Aboriginal Heritage Conservation Strategy for the Boggabri-Tarrawonga-Maules Creek Complex and Biodiversity Offset Areas (currently in draft format).

The CHMP includes provision for due diligence inspections of any infrastructure works (with provision for salvage activities including the completion of grader scrapes/monitoring of topsoil removal) and for the monitoring of earthworks undertaken during infrastructure construction and ongoing mine operation. It is understood that these protocols have been adhered to during Stage 1 works (based on available information). Consideration should be given to the outcomes of these processes (in terms of the number of archaeological sites identified and the quantities of salvaged material) as it is noted that there is limited archaeological rationale for such works to be undertaken. It may be possible to further refine the locations in which such monitoring is undertaken to better target areas of potential archaeological sensitivity as part of future salvage works.

4.5 Conclusion

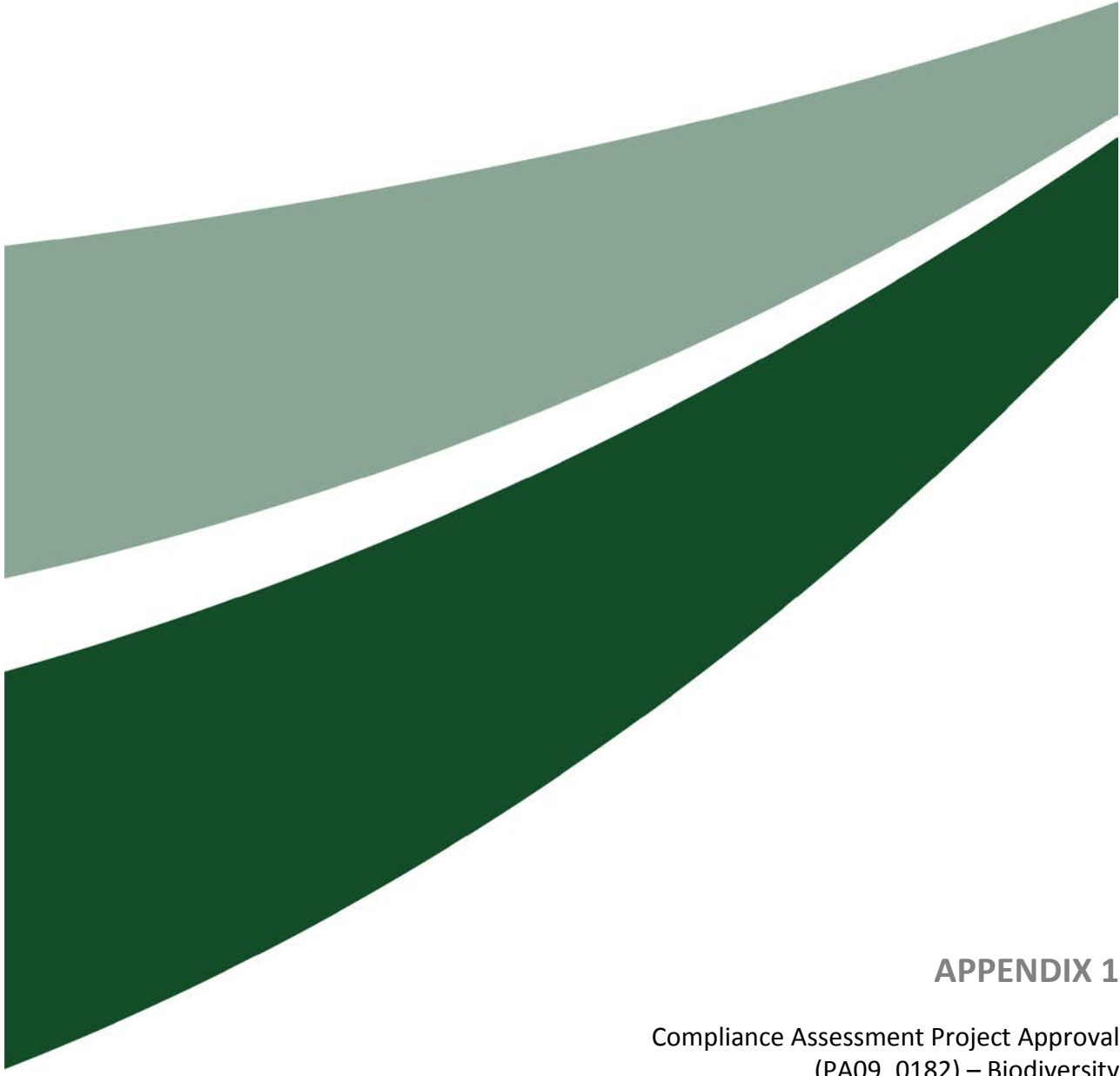
The Aboriginal cultural heritage aspect of the audit found several non-compliances and administrative non-compliances with the Project Approval, CHMP and EA for Boggabri Coal Mine. Many of these issues were of a more technical nature relating to formal compliance management, whilst overall on-site Aboriginal cultural heritage management performance of the site was found to be generally sound. The key non-compliance matters relate to commitments under the CHMP to undertake monitoring of protected sites and to complete a report on Stage 1 salvage works prior to the commencement of Stage 2, which in turn means that compliance with all salvage requirements could not be adequately verified. In addition, the site inspection identified an issue in relation to potential defacement of a scarred tree subject to salvage, with Boggabri Coal currently working with DP&E to resolve this matter.

5.0 Overall Conclusion

The biodiversity and Aboriginal cultural heritage compliance audit identified a generally good level of compliance, whilst also identifying several non-compliances and administrative non-compliances with the Project Approval, Management Plans and EAs for Boggabri Coal Mine. Many of these issues were of a more technical nature relating to formal compliance management, whilst overall on-site environmental management performance of the site was found to be generally sound. The audit has made a number of recommendations to improve compliance status and overall site performance relating to biodiversity and Aboriginal cultural heritage.

The key non-compliance issue in regard to biodiversity, was in the form of unauthorised clearing. As noted in **Section 3.5**, Boggabri Coal is currently working with DP&E to provide evidence relating to this issue and to implement procedures to minimise the risk of a repeat occurrence.

The key non-compliance issues identified regarding Aboriginal cultural heritage related to commitments under the CHMP to undertake monitoring of protected sites and the completion of a report for Stage 1 salvage works prior to the commencement of Stage 2; meaning compliance with all salvage requirements could not be adequately verified. In addition, the site inspection identified an issue in relation to potential defacement of a scarred tree subject to salvage, with Boggabri Coal currently working with DP&E to resolve this matter.



APPENDIX 1

Compliance Assessment Project Approval
(PA09_0182) – Biodiversity

Project Approval No 09_0182									
Approval Dated 18 July 2012									
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)			
						Likelihood of Harm	Level of Impact	Risk Rating	
ADMINISTRATIVE CONDITIONS									
Terms of Approval									
2		The Proponent shall carry out the project generally in accordance with the:							
	(a)	EA;	NC	Evidence was presented by mine representatives that an area of land outside of the approved disturbance boundary in the north-east and north of the mine was cleared (underscrubbed, but habitat trees were not removed). This occurred in February 2014 and comprised two areas of approximately 7 hectares (in the north-east) and 0.5 hectares (in the north). Subsequent evidence (File Note Vegetation Clearing - February 2014) has been provided that shows that an area of 5.8 ha of vegetation was cleared within a Pegged Area and 1.9 ha of vegetation was cleared outside the Pegged Area, all on 3 February 2014.	The EA contains a 'proposed disturbance limit' in the Biodiversity Impact Assessment report. Also a note in the Induction presentation "All works must be contained within the site Construction boundary - NO CLEARING beyond the Construction boundary". In the File Note Boggabri Coal has proposed that it will now no longer clear an area of 14.9 ha of the same type of community as a form of compensatory action, and has identified a range of steps that Boggabri Coal now proposes to implement to prevent a repeat of the event. DP&E are investigating potential for follow-up regulatory action.			Insufficient evidence to assess risk	
	(b)	Statement of Commitments; and	C	Boggabri Coal has generally complied with the Statement of Commitments as they relate to biodiversity as covered in this audit.					
	(c)	conditions of this approval.	NC	As noted in the table below some non-compliances were identified against the conditions of the consent as part of this audit.		Likely	Moderate	Moderate	
	3		If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Noted					
	4		The Proponent shall comply with any reasonable requirement/s of the Director-General arising from P&I's assessment of:	C					
	(a)	any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; and	C	Boggabri Coal has responded to reviews from DPE and OEH regarding the Biodiversity Management Plan and the rehabilitation Management Plan.					
(b)	the implementation of any actions or measures contained in these documents.	C	Boggabri Coal has altered its vegetation clearing program to occur in the period 15 February to 30 April each year, and only during air temperatures of less than 35°C, except where specifically approved by DPE.	Boggabri Coal has also, at the request of OEH and DPE, committed to the radio-tracking of released fauna, but has requested that such be restricted to possums and gliders. This is the subject of further discussion with OEH.					
LIMITS ON APPROVAL									
Mining Operations									
7		The Proponent shall not clear native vegetation from any land within 250 metres of the adjoining Maules Creek Coal Mine mining lease boundary, except with the approval of the Director-General, following endorsement of OEH.	C	Viewed - corridor exists. And has not been unduly impacted. Not demarcated. Not recorded on GIS layers for tree clearing operations.	Recommended to clearly demarcate corridor with signage and obvious visual boundary markers, to avoid inadvertent damage. Ensure is clearly marked on GIS layers, especially for tree clearing program.				
		<i>Notes: The purpose of this condition is to ensure that a 500 metre wide native vegetation corridor is maintained between the open cut pits of the project and the adjoining Maules Creek Project, if it is approved. However, alignment of this corridor directly along the lease boundaries may not be its most efficient location, from either an environmental or economic perspective. Consequently, with the endorsement of OEH, the Director-General may approve substitution of an alternative native vegetation corridor of at least 500 metres width and equivalent or better ecosystem value, within the general vicinity of the lease boundary. See also condition 51 of Schedule 3.</i>	Noted						
ENVIRONMENTAL PERFORMANCE CONDITIONS									
Operating Conditions									
36		The Proponent shall:							
	(b)	maximise the salvage of suitable top-soils and sub-soils and biodiversity habitat components such as bush rocks, tree hollows and fallen timber for rehabilitation of disturbed areas within the site and for enhancement of biodiversity offset areas;	C	Habitat trees, including tree hollows from Leard Forest are currently being stockpiled on site - confirmed during site visit. The 'Boggabri Coal tree clearing report December 2013 to March 2014' was sighted, which includes Section 2.3.3 on the 'Salvage of fauna habitat resources', and Section 3.3.2 on 'Salvage of Habitat resources', as well as Pre-Clearing Checklists (Appendix B). A Quality Assurance Procedure (QAP) has been developed for the stripping of topsoil.	Section 3.3.2 of the 'Boggabri Coal tree clearing report December 2013 to March 2014' states that "Approximately XX suitable habitat trees were identified and retained for CMA snag installation by the Namoi CMA." It is recommended that the number of trees is specified. It is also recommended that Boggabri Coal introduce a more formal system of tracking the location of habitat tree / hollow stockpiles.				
Water Management Plan									
38		The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with OEH, NOW, Namoi CMA and the CCC, by suitably qualified and experienced person/s whose appointment has been approved by the Director-General, and be submitted to the Director-General for approval within 6 months of the date of this approval.	C	Sighted approved Water Management Plan (February 2014). Documentation showing correspondence with Local Land Services (in lieu of CMA), NOW, CCC, DoE is provided in Appendix A. No documentation is provided showing correspondence with OEH, however it is stated in the WMP that this was undertaken. Statement in the WMP notes that the "The SWB, SWMP and GMP form part of this WMP. Suitability qualified persons have prepared these plans in accordance with this requirement, whose appointment has been approved by the Director-General". Sighted letter from DPE dated 10/10/12 approving the appointment of personnel from Parsons Brinckerhoff to prepare or peer review the WMP.					
		In addition to the standard requirements for management plans (see condition 3 of Schedule 5), this plan must include:							
	(b)	a Surface Water Management Plan, which includes:	C	Sighted approved SWMP (February 2014)					
		performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the project:	C	Sighted in Section 7.0 of the SWMP					
		o stream and riparian vegetation health, including the Namoi River;	C	Sighted in Section 7.1.4 of the SWMP.					
	(c)	a Groundwater Management Plan, which includes:	C	Sighted approved GWMP (February 2014)					

Project Approval No 09_0182								
Approval Dated 18 July 2012								
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
						Likelihood of Harm	Level of Impact	Risk Rating
		<ul style="list-style-type: none"> detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned groundwater bores including a detailed survey/schedule of groundwater dependent ecosystems (including stygo-fauna), that could be affected by the project; 	C	Sighted in Section 4.2.4 of the GWMP.				
		<ul style="list-style-type: none"> a program to monitor and assess: 	C	Sighted in Section 4.2.4 of the GWMP.				
		o the impacts of the project on:						
		- groundwater dependent ecosystems (including potential impacts on stygo-fauna) and riparian vegetation.	C	Sighted in Section 4.2.4 of the GWMP.				
Leard Forest Mining Precinct Regional Biodiversity Strategy								
		The Proponent shall commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal mines within the Precinct. The Strategy shall be coordinated through the Department (refer condition 42 below) and prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by OEH and subsequently approved by the Director-General, in the following stages:	C	Sighted a tax invoices dated 29/01/2013, 28/02/2013 and 20/05/2013 for the Stage 1 Leard State Forest Precinct Regional Biodiversity Strategy Report to Eco Logical Australia. Correspondence with Steve O'Donoghue from DPE confirms that Stage 1 was funded by Boggabri with Boggabri being approved first prior to the approvals for Maules Creek and Tarrawonga.				
		Stage 1 - Scoping Stage A scoping report for development of the Strategy must be submitted, within 6 months of the date of this approval, for endorsement by OEH and subsequent approval by the Director-General. The Director-General may extend this period with the agreement of OEH. The scoping report must:	C	Stage 1 report was not submitted for endorsement by the Secretary by 18 January 2013 as required by this condition, however a letter from DPE was sighted dated 19/12/12 granting an extension until the end of July 2013. Sighted draft Stage 1 Scoping Report (Eco Logical May 2013) provided to DPE via email on 5/6/13. Sighted Revised Stage 1 Scoping Report (Umwelt August 2014). Further revised and final scoping report submitted to DPE in February 2015. It is known that Stage 2 and 3 have not been commenced.	Known that there were delays in approving Stage 1 as DPE did not approve the Eco Logical report and took over completion of the Scoping report. Revised Stage 1 Scoping Report received in August 2014 with further revised and final report on February 2015. Stage 2 or Stage 3 of the Leard Forest Mining Precinct Regional Biodiversity Strategy have not commenced.			
	40	(a) include terms of reference, scope and objectives for the Strategy, including recommendations for the Strategy's geographic extent;	C	Sighted final Stage 1 Scoping Report (Umwelt 2015) which has the Terms of Reference in Section 2.0 and proposed geographic extent in Section 4.0.				
		(b) identify the ongoing functions and members of the working group (see condition 41 of Schedule 3);	C	Sighted final Stage 1 Scoping Report (Umwelt 2015) which has the Working Group outlined in Section 6.2.				
		(c) include a project management plan of the Strategy, with a time schedule, indicative dates for working group meetings, review and milestones for completion;	C	Sighted final Stage 1 Scoping Report (Umwelt 2015) which has the time schedule outlined in Section 8.0, including workgroup meeting dates, reviews and other proposed milestones.				
		(d) include a funding program for the development of the Strategy, including provision of adequate resources for the participation of working group members; and	C	Sighted final Stage 1 Scoping Report (Umwelt 2015) which has the Project Funding outlined in Section 7.0.				
		(e) include a consultation/communications program for the Strategy.	C	Sighted final Stage 1 Scoping Report (Umwelt 2015) which has the Consultation and Communications Program outlined in Section 6.3.				
		<i>Note: The broad terms of reference must be guided by the Planning Assessment Commission (PAC) merit review for the Boggabri Coal Mine (February 2012) - Recommendation 1 for the development of a regional biodiversity strategy.</i>	C	Evidenced by 'Leard Forest Regional Biodiversity Strategy Stage 1 - Scoping Report' (Umwelt 2014).				
		Stage 2 Strategy Development						
		The Strategy must be developed in accordance with the approved Scoping Stage report and submitted for endorsement by OEH and subsequent approval by the Director-General within 18 months of the date of this approval. The Director-General may extend this period with agreement of OEH.	C	Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy has not been commenced as Stage 1 has not yet been finalised. Sighted letter from DPE dated 11/3/14 granting an extension for the Stage 2 report until 30 January 2015. Sighted an additional letter from DPE dated 2/3/2015 granting a further extension to 30 June 2015. This extension was not granted prior to the 30 January revised due date. Although there was a period of non-compliance between 30 January 2015 and 2 March 2015 this was due to DPE and OEH liaison regarding endorsement of the extension of the timeframe.				
		Stage 3 - Strategy Review						
		The Strategy must be reviewed by the end of December 2018, following completion of audits of the rehabilitation and Biodiversity Offset Areas required to be undertaken under approvals for coal mines within the Precinct. The Review shall be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by OEH and approved by the Director-General. Any modifications to the Strategy arising from the review must be endorsed by OEH prior to approval by the Director-General.	NA	Not yet triggered.	Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy has not been commenced as Stage 1 has not yet been finalised.			
	41	The Strategy shall be prepared in collaboration with a working group containing (subject to the outcomes of the Stage 1 - Scoping Stage) representatives of the Department, OEH, DRE, Namoi CMA, Council and SEWPaC and the other Leard Forest Mining Precinct mines; which shall be chaired by a suitably qualified, experienced and independent person whose appointment has been approved by the Director-General.	NA		Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy has not been commenced as Stage 1 has not yet been finalised.			
		The cost of preparing the Strategy, including the independent chairperson and a co-ordinator to be employed by the Department shall be shared equitably between the coal mines in the Leard Forest Mining Precinct on the basis of the approved clearing of remnant vegetation (including native grassland) by the mines, based on the following arrangements:	Noted		Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy has not been commenced as Stage 1 has not yet been finalised.			

Project Approval No 09_0182 Approval Dated 18 July 2012							Risk Rating (if applicable)		
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Likelihood of Harm	Level of Impact	Risk Rating	
	42	(a) Stage 1 is to be initially funded by the Proponent, with appropriate adjustments made following the determination of the Maules Creek Coal and Tarrawonga Coal Projects and as per approved funding arrangements finalised under the Stage 1 Scoping Report;	C	Sighted a tax invoices dated 29/01/2013, 28/02/2013 and 20/05/2013 for the Stage 1 Leard State Forest Precinct Regional Biodiversity Strategy Report to Eco Logical Australia. Correspondence with Steve O'Donoghue from DPE confirms that Stage 1 was funded by Boggabri with Boggabri being approved first prior to the approvals for Maules Creek and Tarrawonga.					
		(b) Stage 2 is to be funded by all Leard Forest Mining Precinct mines based on the arrangements approved under the Stage 1 Scoping Report; and	NA	Stage 2 not commenced.					
		(c) Stage 3 is to be funded by all Leard Forest Mining Precinct mines based on recommendations in the approved Stage 2 Leard Forest Mining Precinct Regional Biodiversity Strategy.	NA	Stage 3 not commenced.					
		<i>Note: Based on predicted clearing of native vegetation provided in the EA documents for the three projects within the Leard Forest Mining Precinct the proposed funding split would equate to total contributions of 36% from Boggabri (clearing of 1,385 ha), 54% from Maules Creek (clearing of 2,078ha) and 10% from Tarrawonga (clearing of 397 ha). This funding arrangement may change depending upon the determination outcomes of individual projects and can be further refined in the Stage 1 Scoping Stage.</i>	Noted						
	44	For the White Box - Yellow Box - Blakeley's Red Gum Grassy Woodland Endangered Ecological Community the Proponent shall:							
		(a) ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation, re-establishment and long-term maintenance of viable stands of this community;	C	Evidence sighted in Section 1.3 of 'Rehabilitation Management Plan' (Boggabri Coal January 2013) in that one of the objectives of the RMP is to "revegetate the post mine landscape with native vegetation comprising...Box Gum Woodland." Further sections address rehabilitation and long-term maintenance of this community in a mine rehabilitation context, through mine closure and care and maintenance of rehabilitation.					
		(b) investigate in consultation with OEH and the Namoi CMA, all factors likely to enhance or impede the effective long-term restoration of degraded remnants of this EEC in offset areas or regeneration of this EEC on disturbed areas (both offset areas and the site);	NA	Sighted in Section 1.2.2 of the approved BMP that consultation was undertaken with the then DSEWPC, DP&I, OEH and the Namoi CMA for the preparation of the BMP. However, no copies of this correspondence were sighted to confirm that consultation specifically for the factors likely to enhance or impede the long term restoration of the EEC (on the site) was sought. This is likely to be addressed in the Implementation Plans to be submitted by 30 April 2015 - not yet triggered.					
		(c) within 24 months of the date of this approval (and if possible in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to maximise the prospects for rehabilitation and regeneration of this EEC on the offset areas and the site, for approval by the Director-General; and	NA	Sighted letter from DPE dated 17/12/2014 approving an extension to this requirement until 30 April 2015.					
		(d) incorporate the approved Implementation plan into the revised Biodiversity Management Plan, required under condition 50.	NA	Sighted letter from DPE dated 17/12/2014 approving an extension to this requirement until 30 April 2015.					
3	45	For all threatened species on site, the proponent shall ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focussed on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species.	C	The BMP and RMP identifies the vegetation types to be rehabilitated. Further information on the detailed habitat requirements are provided in Appendix F of the BMP in the Threat-listed Biodiversity Sub-Management Plans.	It is recommended that the RMP specifically address these species, and their habitat requirements, in relation to rehabilitation strategies, techniques and monitoring. It is understood that a more recent version of the RMP has not yet been finalised.				
		<i>Note: the threatened fauna species on site include Regent Honey Eater, Speckled Warbler, Swift Parrot, Brown Treecreeper, Diamond Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, Black Chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Little Eagle, Spotted Harrier, Black Necked Stork, Square Tailed Kite, Turquoise Parrot, Barking Owl, Masked Owl, Superb Parrot, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat, Eastern Cave Bat, Eastern Bent-wing Bat, Large-eared Pied Bat, Little Pied Bat, Spotted-tailed Quoll, Squirrel Glider and Koala.</i>	Noted						
	46	The Proponent shall:							
		(a) investigate, in consultation with OEH and the Namoi CMA, all factors likely to enhance or impede the effective long-term provision of suitable habitat(s) for the following species: Brown Treecreeper, Hooded Robin, Black-chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Grey-crowned Babbler, Speckled Warbler, Diamond Firetail, Varied Sittella, Regent Honeyeater, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat;	NA	Sighted in Section 1.2.2 of the approved BMP that consultation was undertaken with DSEWPC, DP&I, OEH and the Namoi CMA for the preparation of the BMP. However, no copies of this correspondence were sighted to confirm that consultation specifically for the factors likely to enhance or impede the long term provision of suitable habitat for threatened species was sought. This is likely to be addressed in the Implementation Plans to be submitted by 30 April 2015 - not yet triggered.					
		(b) within 24 months of the date of this approval (and if possible, in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to ensure delivery of suitable areas of viable habitat for the species included in (a) above, for approval by the Director-General; and	NA	Sighted letter from DPE dated 17/12/2014 approving an extension to this requirement until 30 April 2015.					
		(c) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 50.	NA	Sighted letter from DPE dated 17/12/2014 approving an extension to this requirement until 30 April 2015.					
		<i>Note: the species listed in (a) are those identified in the Director-General's Assessment Report as likely to be impacted by the project.</i>	Noted						

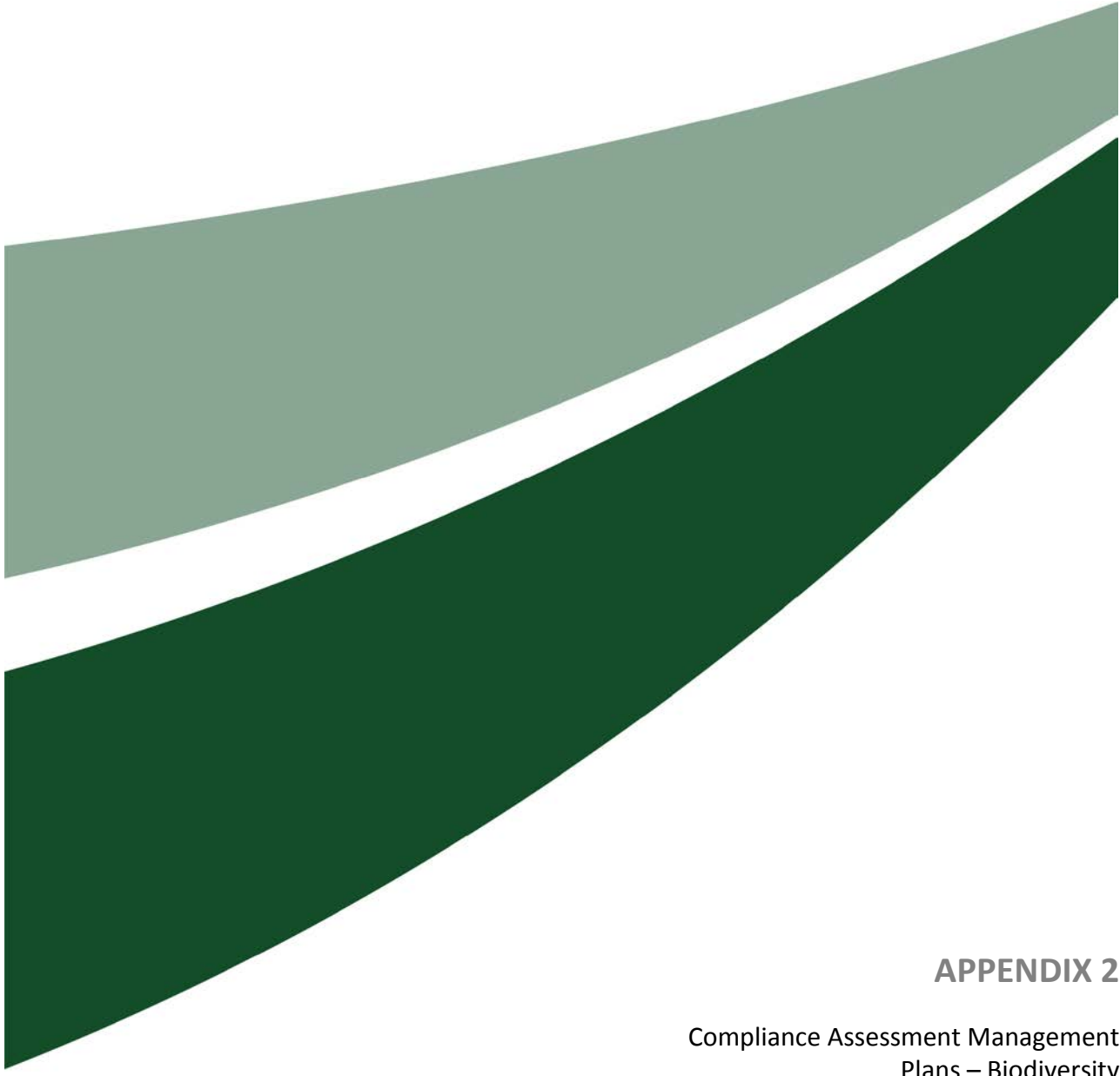
Biodiversity Management Plan

Project Approval No 09_0182								
Approval Dated 18 July 2012								
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
						Likelihood of Harm	Level of Impact	Risk Rating
		The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must:	NC	The Biodiversity Management Plan has not been implemented in a fully compliant manner. Section 3.2 of the audit report documents those commitments within the BMP that have not been complied with.		Likely	Moderate	Moderate
		(a) be prepared in consultation with OEH, SEWPaC, CCC and the Namoi CMA, and be submitted to the Director-General for approval within 6 months of the date of this approval;	C	Sighted in Section 1.2.2 of the approved BMP that consultation was undertaken with the then DSEWPC, DP&I, OEH, DRE, Department of Primary Industries, Forests NSW, Namoi CMA and Boggabri Coal's CCC for the preparation of the BMP. Sighted letters and authority feedback register that showed correspondence with these agencies.				
		(b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;	C	Sighted in Section 7.18 and Table 7.3 of the approved BMP.				
		(c) describe the short, medium, and long term measures that would be implemented to:						
		(i) manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and	C	Sighted in Table 7.3 of the BMP. Actions are outlined as being 'short-medium' or 'long' term.				
		(ii) implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria;	C	Sighted Table 9.5 of the BMP that outlines the completion criteria for biodiversity management within BOAs. Performance criteria is included in Appendix F of BMP.				
		(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);	NC	Sighted sections 9.2.4 and 9.2.5 of the BMP, and section 9.7 of the RMP (Boggabri Coal January 2013), which describe an internal and independent audit process to detect non-compliance of the criteria, and a requirement to implement corrective measures if the criteria are not met. Performance and completion criteria also sighted in Appendix F of the BMP. However triggers for corrective measures and remedial action are not described.	Noted that the draft, updated version of the RMP (Boggabri Coal September 2014) contains a Trigger, Action, Response Plan for biodiversity matters in the rehabilitation area.	Unlikely	Low	Low
		(e) include a detailed description of the measures that would be implemented including the procedures to be implemented for:						
		(i) enhancing the quality of existing vegetation and fauna habitat;	C	Sighted in Section 7 of the approved BMP.				
		(ii) restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features;	C	Sighted in Section 7.1 and 7.2 of the approved BMP.				
		(iii) maximising the salvage of resources within the approved disturbance area - including vegetative, top and sub-soils and cultural heritage resources - for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area;	C	Sighted in Section 7.2 of the approved BMP.				
		(iv) collecting and propagating seed;	C	Sighted in Section 7.9 of the approved BMP.				
		(v) minimising the impacts on fauna on site, including undertaking pre-clearance surveys;	C	Sighted in Section 7.8 of the approved BMP.				
		(vi) improving the connectivity and corridor function of the offset areas to provide an east/west corridor to the Namoi River and demonstrating that this corridor is enhanced and maintained;	C	Sighted in Section 8.1 of the approved BMP.				
		(vii) managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological);	NC	Sighted in Section 1.2 that the management of cultural heritage values are directed in the Cultural Heritage Management Plan (CHMP). This is not further discussed in the BMP and there is no discussion of potential conflicts or how they will be dealt with.		Likely	Moderate	Moderate
		(viii) managing salinity;	C	Sighted in Section 7.6 of the approved BMP.				
		(ix) controlling weeds and feral pests;	C	Sighted in Section 7.10 of the approved BMP.				
		(x) controlling erosion;	ANC	Sighted section 8.2.1.8 of the approved BMP that provides a listing of measures to be taken to manage soil erosion in the Biodiversity Offset Areas. No reference to managing erosion in the Project Boundary.				ANC
		(xi) managing grazing and agriculture on site;	C	Sighted in Section 7.11 of the approved BMP.				
		(xii) controlling access; and	C	Sighted in Section 7.12 of the approved BMP.				
		(xiii) bushfire management;	C	Sighted in Section 7.16 of the approved BMP.				
		(f) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;	C	Sighted in Section 9.1 (and specifically 9.1.3) of the approved BMP. Sighted, as an example, 'Boggabri Coal - Biodiversity Monitoring 2013' (Parsons Brinckerhoff 2014).				
		(g) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and	C	Sighted in Table 6-2 of the approved BMP.				
		(h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.	C	Sighted in Section 5.0 of the approved BMP.				
		<i>Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</i>	Noted					
	49	The Proponent shall revise the Biodiversity Management Plan within 30 months of the date of this approval, or within 6 months after the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, whichever is sooner. The revised plan must:	NA	Sighted a letter from DPE dated 17/12/2014 confirming an extension to this condition whereby the revised BMP would be hereafter due by the end of June 2015, following the expected finalisation of the Leard Forest Mining Precinct Regional Biodiversity Strategy at the end of April 2015.	Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy not yet commenced.			
		(a) be prepared in consultation with OEH, SEWPaC, DPI Catchments and Lands, the CCC and the Namoi CMA;	NA	As above	As above			
		(b) demonstrate consistency with any findings of Leard Forest Mining Precinct Regional Biodiversity Strategy; and	NA	As above	As above			
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Project Approval No 09_0182								
Approval Dated 18 July 2012								
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
						Likelihood of Harm	Level of Impact	Risk Rating
		(c) include any implementation plans arising from the studies required under conditions 44 and 46 of this approval; to the satisfaction of the Director-General.	NA	As above	As above			
			NA	As above	As above			
Vegetated Corridor between Boggabri and Maules Creek Coal Projects								
		For the vegetated buffer corridor required to be retained and protected between the projects under Condition 7 of Schedule 2 of this approval the Proponent shall:						
	51	(a) use its best endeavours to work cooperatively with the Proponent of the Maules Creek Coal Project to enhance the functioning of the area as a biodiversity corridor; and	NC	Sighted in Section 7.17 of the approved BMP that records of consultation with the Maules Creek Coal Project are "maintained and included in the Annual Environmental Monitoring Report (when applicable)". AEMR (2013) was reviewed and no reference to consultation with representatives of the Maules Creek Coal Project regarding the vegetated buffer corridor were included. No documentary evidence was provided by Boggabri to show that it is working cooperatively with Maules Creek Project regarding the biodiversity corridor area.	Correspondence with the Environmental Superintendent indicates that Boggabri Coal has maintained regular communication with the Project ecologist for Maules Creek, including sharing information on species recovered and threatened species locations within the Leard SF and Boundary. This has included phone communication between Project Ecologist Alex Cockerill and Maules Creek Env Manager Dan Martin on location of threatened species. The Boggabri Coal Project Ecologist also met with Project ecologist for Maules Creek in Feb 2015 to share and provide the locations of threatened flora species within the Leard SF and Boundary Corridor. This is expected to be documented in the 2015 AEMR.	Unlikely	Low	Low
		(b) include in the Biodiversity Management Plan the details as to how impacts on the corridor are to be minimised, to the satisfaction of the Director-General.	C	Sighted in Section 7.17 of the BMP which was approved by the Director-General in a letter dated 1/11/2012.				
Conservation Bond								
		Within 36 months of the date of this approval or within 6 months of the approval of the revised Biodiversity Management Plan required under condition 50 of Schedule 3 (whichever is sooner) the Proponent shall lodge a Conservation and Biodiversity Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:	NA	This date has not yet been triggered. 36 months from the date of the approval is 18 July 2015. The Revised BMP is not due until 18 July 2015 (i.e.: 36 months from the date of approval).				
		(a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and	NA	As above	As above			
		(b) employing a suitably qualified quantity surveyor to verify the calculated costs.	NA	As above	As above			
		to the satisfaction of the Director-General.	NA	As above	As above			
	52	If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Director-General, the Director-General will release the bond.	NA	As above	As above			
		If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all or part of the conservation bond, and	NA	As above	As above			
		arrange for the satisfactory completion of the relevant works.	NA	As above	As above			
		With the agreement of the Director-General, this bond may be combined with rehabilitation security deposit administered by DRE.	NA	As above	As above			
		<i>Note: Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</i>	Noted					
		By the end of December 2017 and then every 5 years, unless the Director-General agrees otherwise, the Proponent shall commission suitably qualified, experienced and independent person/s, whose appointment has been approved by the Director-General, to undertake an audit of the revegetation of the rehabilitation area, management and restoration within the Biodiversity Offset Strategy areas to the satisfaction of the Director-General. This audit must:	NA	Not yet triggered. Sighted discussion regarding this in Section 9.2.5 of the approved BMP.	Audit not due until the end of December 2017.			
		a) include consultation with OEH, Namoi CMA, DPI Catchments and Lands, SEWPaC, CCC and DRE;	NA	As above	As above			
		b) assess the performance of the revegetation in the rehabilitation area completed to date against the completion criteria in the Rehabilitation Management Plan;	NA	As above	As above			
		c) assess the performance of management and restoration in the off-site Biodiversity Offset Strategy areas completed to date against the completion criteria in the Biodiversity Management Plan;	NA	As above	As above			
		d) identify any measures that should be implemented to improve the performance of rehabilitation, management and restoration within the rehabilitation and biodiversity offset areas; and	NA	As above	As above			
		e) if the completion criteria have not been met, or are not adequately trending towards being met, determine the likely ecological value of the rehabilitation and restoration once completed, and recommend additional measures to augment the Biodiversity Offset Strategy to ensure that it adequately offsets the project's impacts on biodiversity.	NA	As above	As above			
		If the audit recommends the implementation of additional measures to augment the Biodiversity Offset Strategy in accordance with (e) above, then within 6 months of the completion of the audit the Proponent shall revise the Biodiversity Offset Strategy, in consultation with the Department, OEH and SEWPaC, and to the satisfaction of the Director-General.	NA	As above	As above			
ADDITIONAL PROCEDURES								
Biodiversity and Heritage								
		If a person has good reason to believe the Proponent is not implementing the biodiversity and/or heritage conditions in schedule 3 satisfactorily, then he/she may ask the Director-General in writing for an independent review of the matter.	NA	Discussions with DPE has indicated that this condition has not been triggered.				
		If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision, the Proponent shall:	NA					
		(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to:	NA					
		• consult with the person and/or any relevant agencies;	NA					
		• investigate the person's complaints/claims;	NA					
		• review the environmental performance of the Proponent;	NA					
		• determine whether the Proponent's performance is satisfactory or not; and if necessary	NA					
		• recommend measures to improve the Proponents performance; and	NA					
4	7							

Project Approval No 09_0182								
Approval Dated 18 July 2012								
Schedule	Condition No.	Requirement	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
						Likelihood of Harm	Level of Impact	Risk Rating
		(b) give the Director-General and complainant a copy of the independent review.	NA					

Compliant	45
Non-Compliant	6
Administrative non-compliance	1
Observation	0
Verification still required	0
Not Applicable	39
<i>Total</i>	<i>91</i>



APPENDIX 2

Compliance Assessment Management
Plans – Biodiversity

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	Given the nature and scale of proposed future rehabilitation activities it may be necessary to consider direct seeding techniques. Direct seeding trials will be undertaken to determine the optimum method for vegetation establishment.	During rehabilitation.	NA	Rehabilitation information sighted in the AEMR (2013) which stated no direct seeding trials occurred over the reporting period.	The latest AEMR (2013) stated that, at the time of the AEMR period, 78.5 hectares had been rehabilitated with an expected 82.7 hectares by the end of 2014.			
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	The seed mixes for each of broad vegetation community types (grassy woodland, shrubby woodland/open forest, and riparian forest) including the threat-listed Box-Gum woodland community will need to contain species which are representative of these communities		C	Sighted in the latest AEMR (2013) that rehabilitation areas have been shown to contain species characteristic with Box-Gum CEEC. This was verified in the field, in a small number of locations.	Refer to Table 8.5 in the BMP for seed mix details.			
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	The revegetation works will involve direct native seeding and/or supplementary tube stock planting. Revegetation works are best carried out in spring and autumn, when conditions are optimal. In the first instance groundcover vegetation will be established to prevent raindrop and sheet erosion from occurring. Natural seed germination from the soil seed bank will be assisted with direct seeding and where applicable seed will be treated to enhance germination rates.	Spring and autumn.	C	Sighted rehabilitation information in the AEMR (2013). Evidence sighted during site inspection included tubestock plantings, groundcover vegetation (cover crop) and obvious natural seed germination from soil seedbank and external propagules. No evidence of direct seeding.	Latest AEMR (2013) states that rehabilitation works are completed by each September to allow sufficient time for vegetation to establish before the period of high erosion hazard.			
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	Planting of tubestock will supplement areas of low success rates from the natural regeneration through the seed bank and direct seeding.		C	Sighted rehabilitation information in the AEMR (2013). Tubestock planting has been undertaken. Natural regeneration of groundcovers from soil seedbank is occurring.				
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	Watering of the rehabilitation areas may be required to assist the germination of the plants in situ and to assist the supplementary tubestock planted. Watering (if required) will be undertaken in response to the prevailing weather conditions and monitoring of the plants.		NA	No evidence sighted. No suggestion that watering has been required.				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	Fertilising of tube stock will be undertaken at the time of planting by adding 100g of DAP (diammonium phosphate) under the soil surface within 250 mm of the tube stock.	At the time of planting	V	A fertiliser trial has been undertaken as documented in 'Vegetation Rehabilitation Operations at Boggabri Coal Mine' (Boden & Associates May 2013). This report recommends that all future plantings are fertilised.				
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	The vegetation communities to be restored include but are not limited to the following four vegetation types: - White Box – White Cypress Pine grassy woodland – commensurate to Box-Gum Woodland CEEC. - Pilliga Box – Poplar Box – White Cypress Pine grassy open forest. - Narrow-leaved Ironbark – White Cypress Pine shrubby open forest. - River Red Gum Riparian woodland and forest. The above vegetation community types will be restored, protected and/or enhanced in areas containing the geomorphological characteristics appropriate for the specific vegetation type.		C	Sighted AEMR (2013), which noted information on rehabilitated Box-Gum Woodland. No other information on other woodland types sighted. This is supported by evidence from the site inspection.				
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.1 - Rehab Methods	Schedule 3 Condition 49	Approximately 437 ha of shrubby woodland community has been proposed to be rehabilitated on the steeper slopes with approximately 1,019 ha of grassy woodland on the gently lower slopes and the flat top areas of the post mining landform. Approximately 52 ha of riverine woodland is proposed to be rehabilitated within the existing and proposed drainage lines in the final landform. The areas of native grassland for pasture are yet to be determined however include any remaining areas.		NA	No evidence sighted. Can only be assessed closer to mine closure.				
7.1 - Rehabilitation and Revegetation within the Project Boundary 7.1.2 - Maintenance/C ontingency	Schedule 3 Condition 49	Maintenance/contingency activities may include a range of activities including: - Supplementary seeding of vegetated areas. - Weed and pest control. - Application of soil ameliorants. - De-silting or repairing drainage structures, infill and regrading.		ANC	No evidence sighted. It is likely that supplementary planting, and weed & pest control are required, but there is no evidence of such occurring.	Refer to Section 7.1.2 for more details.			ANC

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.2 - Maximising Salvage and Beneficial Use of Resources	Schedule 3 Condition 9	Undertake the relocation of habitat resources in accordance with the Clearing and Fauna Management Procedure (Appendix B) and Soil Management Protocol (Appendix H).	During salvage operations	C	Sighted the revised Appendix B - Clearing and Fauna Management Procedure (December 2014) and Appendix H - Soil and Management Protocol. Field verification that habitat resources are being salvaged and stockpiled (habitat trees and soil). These have not been relocated at this stage.	Section 3.3.2 of the 'Boggabri Coal tree clearing report December 2013 to March 2014' states that "Approximately XX suitable habitat trees were identified and retained for CMA snag installation by the Namoi CMA." It is recommended that the number of trees is specified. It is also recommended that Boggabri Coal introduce a more formal system of tracking the location of habitat tree / hollow stockpiles. OEH noted that the condition to enhance hollows at fauna relocation sites at two nest boxes/salvaged hollows per animal is not being implemented if 'adequate' hollows already exist at the release location. No consultation has been undertaken with OEH as per the BMP requirement to determine the effectiveness and adequacy of the supplementary nest box establishment			
7.2 - Maximising Salvage and Beneficial Use of Resources	Schedule 3 Condition 9	Take photographic records of salvage operations and maintain relevant documentation.	During salvage operations	C	Sighted photographs of labelled and flagged salvaged habitat features provided by the Environmental Superintendent.	It is recommended that these photos are included in reporting.			

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.2 - Maximising Salvage and Beneficial Use of Resources - Performance Criteria	Schedule 3 Condition 9	<p>Salvage targets for fallen timber and natural hollows are met during clearing events (Appendix B).</p> <p>Photographic evidence and documentation of salvaging habitat features and reuse in rehabilitation areas, BOAs and fauna translocation sites is included in each Annual Environmental Monitoring Report (when applicable).</p> <p>Tree Clearing Reports provided by the Project Ecologist verify that the salvage of habitat resources has occurred during clearing operations, in accordance with the Clearing and Fauna Management Procedure (Appendix B).</p> <p>The progress and effects of salvaging and reusing habitat resources are monitored and reported annually as part of the Biodiversity Monitoring Program.</p>		ANC	<p>No evidence that salvage targets have been established.</p> <p>No photographic evidence sighted.</p> <p>'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014) and site inspection provide evidence that salvage of habitat resources has occurred during clearing operations.</p> <p>There has been no reuse of habitat resources to date.</p>				ANC
7.3 - Conserving and Reusing Topsoil and Subsoils	Schedule 3 Condition 9	Test soil prior to determine if the soil requires amelioration to ensure the soils' physical and characteristics are within recommended ranges.	Prior to soil relocation	C	Sighted in Section 2.1 of the latest AEMR (2013) that "prior to stripping topsoil and subsoils, sampling is undertaken to identify the soil resource prior to stripping, prepare a soil balance or inventory to assist with rehabilitation planning and determine if the soil requires amelioration."				
7.3 - Conserving and Reusing Topsoil and Subsoils	Schedule 3 Condition 9	Prior to stripping a Soil Stripping and Placement Plan for each area will be prepared and updated following stripping.	Prior and following stripping soil	C	Sighted draft and completed Soil Stripping and Placement Plans.				
7.3 - Conserving and Reusing Topsoil and Subsoils	Schedule 3 Condition 9	Soil amelioration will be mixed in with the topsoil as part of the stripping operation, irrespective if the topsoil is to be placed in storage or directly applied to a rehabilitation area.	During soil stripping	C	Sighted in Section 6.3.6 of the RMP (January 2013).				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.3 - Conserving and Reusing Topsoil and Subsoils	Schedule 3 Condition 9	Where practical, stripped material will be placed directly onto reshaped overburden and spread immediately (if mining sequences, equipment scheduling and weather conditions permit) to avoid the requirement for stockpiling.	Directly following soil stripping.	C	Sighted in Section 2.1 of the latest AEMR (2013) that topsoil is hauled directly to re-profiled areas and stockpiled only if areas are not available.				
7.3 - Conserving and Reusing Topsoil and Subsoils	Schedule 3 Condition 9	Unsuitable spoil and subsoil will be capped with a minimum of 2.5 m of suitable spoil (compacted depth) or, more appropriately, capped to a depth greater than the minimum rooting depth of the vegetation.	Following soil stripping	NC	Sighted in Section 2.7 of Appendix C Soil Management Protocol (Boggabri Coal 2012) that "unsuitable spoil and subsoil should be capped with a minimum of 1.0m of suitable spoil (compacted depth) or, more appropriately, capped to a depth greater than the minimum rooting depth of the vegetation."	Based on the discrepancy between the BMP and the Soil Management protocol this represents a potential risk to the long-term success of rehabilitation. Further information is required to assess the level of risk.			Insufficient evidence to assess risk
7.3 - Conserving and Reusing Topsoil and Subsoils - Performance Criteria	Schedule 3 Condition 9	Confirmation in the Annual Environmental Monitoring Report that all topsoil and subsoil sourced from the Project Boundary has been managed in accordance with the Soil Management Protocol (Appendix H) and utilised for rehabilitation and regeneration works.		C	Sighted in the latest AEMR (2013) that land is prepared for mining in accordance with the approved Soil Management Protocol (SMP).				
7.4 - Protecting Vegetation and Soil Outside the Disturbance Areas	Schedule 3 Condition 49	Ensure vegetation clearing is undertaken in accordance with the Clearing and Fauna Management Procedure (Appendix B).	During vegetation clearing	C	Evidenced through site inspection and 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				
7.4 - Protecting Vegetation and Soil Outside the Disturbance Areas	Schedule 3 Condition 49	Restrict vegetation clearing and soil disturbance to the areas approved by the Development Consent.	During vegetation clearing	NC	Evidence was presented by mine representatives that an area of land outside of the approved disturbance boundary in the north-east and north was cleared (underscrubbed, but habitat trees were not removed). This occurred in February 2013 and comprised two areas of approximately 5.8 hectares (in the north-east) and 1.9 hectares (in the north).	DPE has sought a report from the mine documenting this incident.			Insufficient evidence to assess risk

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							Likelihood of harm	Level of Impact	Risk Rating
7.4 - Protecting Vegetation and Soil Outside the Disturbance Areas - <i>Performance Criteria</i>	Schedule 3 Condition 49	Tree Clearing Reports provided by the Project Ecologist verify that clearing has been conducted in accordance with the Clearing and Fauna Management Procedure (Appendix B).	Following vegetation clearing	C	Sighted in 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				
7.4 - Protecting Vegetation and Soil Outside the Disturbance Areas - <i>Performance Criteria</i>	Schedule 3 Condition 49	Supply of information (aerial photography, Tree Clearing Reports and survey data) to verify that no vegetation outside approved areas has been cleared and that no soil disturbance has occurred in these areas. Information provided in each Annual Environmental Monitoring Report (when applicable)	Following vegetation clearing	NC	Evidence was presented by mine representatives that an area of land outside of the approved disturbance boundary in the north-east and north was cleared (underscrubbed, but habitat trees were not removed). This occurred in February 2014 and comprised two areas of approximately 5.8 hectares (in the north-east) and 1.9 hectares (in the north).	DPE has sought a report from the mine documenting this incident.			Insufficient evidence to assess risk
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Design mining landforms to avoid concentration of flow and reliance only structural drainage and erosion controls.		C	Evidence from site inspection supports this.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Removal of diversion banks on landforms once sufficient vegetation cover exists to reduce runoff and control erosion.	Following vegetation growth	NA	No evidence sighted - not required at this stage.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Design channels using natural channel design techniques to mimic natural systems to maximum extent possible.		NA	No evidence sighted - not required at this stage as rehab has not progressed to the stage where major channels are required.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Primary low flow channel designed to convey the bank full width flow event (typically the 2yr ARI event).		NA	No evidence sighted - not required at this stage.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Low flow channel gradient and sinuosity to mimic natural channel in this area.		NA	No evidence sighted - not required at this stage.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Terraces used outside the low flow channels on the inside of bends and either side of the channel in straight sections to reduce flow velocities and encourage sediment deposition in flood events.		NA	No evidence sighted - not required at this stage.				

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7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Best practice natural channel design structures such as V weirs, W Weirs, J – hooks veins, cross veins to provide channel bed, bank stability and habitat features until vegetation can provide sufficient erosion protection.		NA	No evidence sighted - not required at this stage.				
7.5 Rehabilitating Creeks and Drainage Lines	Schedule 3 Condition 49	Channel beds and bank soil ameliorated to reduce dispersion and maximum growing conditions for vegetation.		NA	No evidence sighted - not required at this stage.				
7.5 Rehabilitating Creeks and Drainage Lines - <i>Performance Criteria</i>	Schedule 3 Condition 49	Spoil dumps constructed in accordance with design drawings - soils and spoils ameliorated so that an EAT is greater than 3 and dispersion percentage is less than 10% - diversion banks removed once vegetation cover is equal to or greater than 70% and is self sustaining. - absence of rills deeper and wider than 300 mm or rills and gullies are stable and are not actively eroding - absence of tunnel erosion intake or outlets points - channel form and sinuosity mimics natural conditions and is suitable for bed and bank material - channel bed and banks are not actively eroding.		NA	No evidence sighted - not required at this stage.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Conduct soil and inter/over burden testing for PAF, salinity and sodicity through rehabilitation areas.		C	Sighted Soil Survey and Growth Media Inventory for Rehabilitation (Landloch 16 September 2014) which reports the results of soil testing including PAF, salinity and sodicity for rehabilitation.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Conduct water monitoring of storage, discharge and receiving environments to monitor and assess impacts and proposed mitigation strategies on reducing		V	Sighted monitoring program in Section 6 of the Surface Water Management Plan (February 2014). No other documentation of water monitoring or reporting sighted.	Typo on this commitment. It appears the sentence is not complete.			

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7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Treatment of saline/ sodic soils/ overburden and inter-burden/ rejects in-pit or emplacement areas for successful rehabilitation.		V	No documentation on the treatment of saline/sodic soils, over/inter burden or rejects sighted. The latest AEMR (2013) notes that "Quality control of the topsoil recovery and replacement process was maintained throughout 2013 through regular inspections and a formal "sign off" procedure executed by the BCM Environmental Coordinator and the DEM Environmental Advisor."				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Prevent changes in the water balance and groundwater chemistry such that there seepage of salts from the overburden emplacements occurs to lower topography – e.g.. seepage scalds that would affect rehabilitation, or downstream riparian ecology.		V	Monitoring program for seepage rates is provided in Section 4.1.4 of the Groundwater Management Plan (February 2014). No other documentation has been sighted confirming that this has been undertaken.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Retain vegetation where practicable to improve site drainage		C	The latest AEMR (2013) states to implement erosion and sedimentation controls that where feasible, understorey and ground cover vegetation have been retained in and around drainage lines. Sighted photographs provided by the Environmental Superintendent showing the protection and retention of riparian vegetation in drainage lines within the project area and in the Namoi River Floodplain minimising impacts associated with the rail viaduct bridge.				

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7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Minimise disturbance or exposure of soils (outside of that necessary for mining) in areas identified as having a high salinity risk		C	Site inspection provided evidence that the disturbance or exposure of soils in areas likely to have higher salinity risk has been minimised.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Revegetate creek and drainage lines with riparian vegetation using suitable species		NA	There are currently no areas of active mining where rehabilitation of drainage lines is possible.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Consider planting salt tolerant species where a high risk of salinity has been identified.		NA	Environmental Superintendent has stated that no areas of high salinity have been identified.				
7.6 - Managing the Impacts of Salinity on Biodiversity	Schedule 3 Condition 49	Manage sediment and erosion appropriately.		NC	<p>Detailed procedures for erosion and sediment control outlined in Section 4.4 of the Surface Water Management Plan (February 2014).</p> <p>Latest AEMR (2013) states that erosion and sedimentation control on the site is conducted generally in accordance with the SWMP and the Soil Management Protocol and is consistent with the "Blue Book" - Managing Urban Stormwater, Soils and Construction, Volume 1 (Landcom 2004) and Managing Urban Stormwater, Volume 2E: Mines and Quarries (DECC 2008).</p> <p>During the site inspection evidence of significant untreated erosion and sedimentation was viewed.</p>	Boggabri Coal indicated that the area viewed was scheduled to be significantly modified in the near future as part of the construction of a new vehicular access track.	Likely	Moderate	Moderate

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7.6 - Managing the Impacts of Salinity on Biodiversity - Performance Criteria	Schedule 3 Condition 49	<p>_successful rehabilitation in accordance with completion criteria in Section 9.2.3.</p> <ul style="list-style-type: none"> - supply of information (aerial photography, Tree Clearing Reports and survey data) to verify that no vegetation outside approved areas has been cleared and that no soil disturbance has occurred in these areas. Information provided in each Annual Environmental Monitoring Report (when applicable). - the Soil Management Protocol is reviewed at least annually. - water storage is constructed on site to detain water infiltration and allow for the reuse of rainwater. - prevent unregulated discharge of saline water from the site into the receiving environments. - prevention of significant fish, wildlife or vegetation kills resulting from saline seepage scalds or water discharges in the receiving environments. 		NC	<p>Clearing has been undertaken outside approved clearance areas. This is therefore non-compliant.</p> <p>Soil Management Protocol is up to date (August 2014).</p> <p>No documentation on the water storage on the site or the discharging of saline waters or the prevention of significant fish/wildlife/vegetation kills.</p>				Insufficient evidence to assess risk
7.7 - Pre-clearing Trapping and Surveys	Schedule 3 Condition 49	Ensure vegetation clearing is undertaken in accordance with the Clearing and Fauna Management Procedure (Appendix B), including the requirements for the Project Ecologist to complete pre-clearing trapping and pre-clearing surveys.	Prior to clearing	C	Sighted in 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014) and sighted the latest AEMR (2013) in Section 3.5.2.1 noted that ecologists on site undertook pre-clearing surveys and trapping during the December 2012-April 2013 clearing activities.	OEH observed that there was a view that pre-clearing trapping was not an effective action due to the high level of effort and the low numbers of animals trapped. OEH believes retaining the pre-clearing trapping requirement has benefits. OEH noted that value could be derived from reviewing trapping effort and analysing trapping results on a regular basis to determine trends.			
7.7 - Pre-clearing Trapping and Surveys - Performance Criteria	Schedule 3 Condition 49	Tree Clearing Reports provided by the Project Ecologist verify that clearing has been conducted in accordance with the Clearing and Fauna Management Procedure (Appendix B). Tree Clearing Reports include completed pre-clearing checklists and trapping data.	Following vegetation clearing	C	Sighted in 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				
7.8 - Managing Impacts on Native Fauna	Schedule 3 Condition 49	<p>Ensure vegetation clearing is undertaken in accordance with the Clearing and Fauna Management Procedure (Appendix B), including implementation of the following measures:</p> <ul style="list-style-type: none"> - Staged clearing approach (including a 24 hour break between Stages 1 and 2) - Pre-clearing trapping - Pre-clearing and post-felling surveys - Salvage of habitat resources. 	Prior and during vegetation clearing	C	Sighted in 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014) and sighted the latest AEMR (2013) in Section 3.5.2.1 noted that ecologists on site undertook pre-clearing surveys and trapping during the December 2012-April 2013 clearing activities.				

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7.8 - Managing Impacts on Native Fauna - Performance Criteria	Schedule 3 Condition 49	Tree Clearing Reports provided by the Project Ecologist verify that clearing has been conducted in accordance with the Clearing and Fauna Management Procedure (Appendix B).	Following vegetation clearing	C	Sighted in 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Collect native seed for the establishment of native vegetation, in accordance with the RMP.	Ongoing	C	Information from the Environmental Superintendent indicated that various seed collectors have been undertaken in recent years. Emails have been sighted indicating seed propagation for planting in the 2015 period.	It is important that the early implementation of the seed collecting and propagation strategy be undertaken ahead of clearing, taking into account seasonal factors and the diminishing on-site bushland resource.			
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Undertake seed collection during an appropriate season to maximise seed availability.	During the appropriate season	C	Seed was collected (as per correspondence from the Environmental Superintendent) in the early 2015 clearing campaign.				
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	If sufficient seed resources are available, undertake seed collection in the footprint before clearing.	Prior to clearing	C	Seed was collected (as per correspondence from the Environmental Superintendent) in the early 2015 clearing campaign.				
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Collect seed from the three broad native vegetation classes (native grasslands, grassy woodland on fertile soils and shrubby woodlands/ open forest on skeletal soils) including the threat-listed Box Gum Grassy Woodland community.		NC	Sighted seed inventory from Boggabri collection that contained species from Box Gum Grassy Woodland (E. albens, E. blakelyii, E. crebra), however no seeds from grasses or other plant types.		Likely	Low	Low
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Collect seed from a wide variety of species present in each vegetation class.		NC	Sighted seed inventory from Boggabri collection that contained species from Box Gum Grassy Woodland (E. albens, E. blakelyii, E. crebra), however no seeds from grasses or other plant types.		Likely	Low	Low
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Ensure that seed is tested for germination rate and viability according to Florabank guidelines (Florabank 2012).		NC	Seed propagation is being managed by Field's Environmental Solutions. No reporting sighted to demonstrate this is undertaken.		Likely	Moderate	Moderate
7.9 - Collecting and Propagating Seed	Schedule 3 Condition 49	Ensure that plants are propagated and raised in an appropriately qualified nursery.		NC	Seed propagation is being managed by Field's Environmental Solutions. No reporting sighted to demonstrate this is undertaken.		Likely	Moderate	Moderate

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7.9 - Collecting and Propagating Seed - Performance Criteria	Schedule 3 Condition 49	_ Completion of a Seed Collection Report by an independent seeding contractor following each collection event, including endorsements listed under Objective 1. - Inclusion (when applicable) of Seed Collection Reports in each Annual Environmental Monitoring Report. - The qualifications of nurseries used for seed propagation (e.g. membership of the Nursery and Garden Industry Association) are included in each Annual Environmental Monitoring Report (when applicable).		NC	No Seed Collection Report was sighted. And no mention of one in the latest AEMR (2013) or qualifications of the nurseries.		Unlikely	Low	Low
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Ensure that Project operations comply with the Weed and Pest Management Strategy (Appendix C).		NC	Sighted Appendix C - Weed and Pest Management Strategy.	Limited evidence that this is taking place. Weed spraying invoices were sighted but these related mostly to the site office and rail loading areas. No pest control invoices were available. Evidence of weeds becoming a problem in rehabilitation was sighted. Occurrences of major noxious weeds were seen to be rare however. Evidence of pests was limited. It is recommended that a more comprehensive weed management program is enacted across the site.	Likely	Low	Low
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Monitor weed and pest densities within land adjoining the Project Boundary and where possible, work with land managers to complete control events.	Ongoing	NC	No evidence sighted. Boggabri Coal advised that this is not taking place.		Unlikely	Low	Low
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Ensure observations of noxious weeds are reported to the Boggabri Coal Environment Superintendent.	Ongoing	C	Sighted in latest AEMR (2013) that "Weed infestations and pest animals are identified and reported by all Project personnel as part of daily surveillance." and "As part of the vegetation clearance protocol, ecologists observe and note weed and pest infestations, which are reported to the Environment Superintendent."				
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Control noxious weeds in accordance with the actions set out in relation to the relevant weed control category or noxious weeds notice.	Ongoing	C	Sighted in latest AEMR (2013) that "All noxious weeds within the Project boundary are controlled in accordance with the requirements of the Noxious Weeds Act 1993."	Limited evidence that this is taking place. Weed spraying invoices were sighted but these related mostly to the site office and rail loading areas. Prickly pear in particular was sighted in a number of obvious, easily-accessed locations. It is recommended that Boggabri Coal enact a more comprehensive weed management program.			

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7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Ensure contractors working in infested areas implement appropriate control measures including washing vehicles before working in weed free areas.	Ongoing	C	Weed hygiene procedure was sighted. Boggabri Coal staff advised that vehicle washdowns occur prior to vehicles entering site.				
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Dispose of soils and vegetation containing weeds appropriately.	Ongoing	C	Sighted in latest AEMR (2013) that "The introduction and spread of weed species is being minimised by complying with the Clearing and Fauna Management Procedure outlined within the BMP during clearing activities, restricting access to areas of native vegetation and communicating the responsibilities to all personnel at site inductions and during regular toolbox meetings."				
7.10 - Controlling Weeds and Feral Animal Species	Schedule 3 Condition 49	Comply with pest control orders, pest eradication orders or other requests with regard to pest control from the LHPA.	Ongoing	C	Sighted in the latest AEMR (2013) that "A pest management program was carried out in cooperation with the Livestock Health and Pest Authority (LHPA) and local farmers during September 2013."	No pest control orders, pest eradication orders or other requests are know to have been applied. There is limited evidence of pest control occurring.			
7.10 - Controlling Weeds and Feral Animal Species - Performance Criteria	Schedule 3 Condition 49	<p>_ Records of noxious weed observations, pest observations, treatment, and disposal are included in Weekly environmental reports, Annual Compliance Reports and Annual Environmental Monitoring Reports.</p> <p>- Increases in weed and pest densities within properties adjoining the Project Boundary are monitored in consultation with relevant land managers.</p> <p>- No non-compliance or noxious weed reports are received from Narrabri Shire Council.</p> <p>- The progress and effects of weed and pest management activities is monitored and reported annually as part of the Biodiversity Monitoring Program (refer Section 9.1).</p>		NC	<p>Latest AEMR (2013) states that "weed infestations and pest animals are identified and reported by all Project personnel as part of daily surveillance". Sighted contractor risk assessments that reported foxes and pigs across the site.</p> <p>Weekly Environmental Inspection report sighted (30/01/2014), has a section to note complete Weed Hygiene Declarations.</p> <p>However the latest Biodiversity Monitoring Report (PB 2014) does not refer to the progress and effects of weed and pest management.</p>		Unlikely	Low	Low
7.11 - Managing Grazing and Agriculture on Site	Schedule 3 Condition 49	Exclude livestock from rehabilitation areas in the mine disturbance area.		C	No livestock sighted. Boggabri Coal staff state that there are no livestock remaining in Leard SF.				

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7.11 - Managing Grazing and Agriculture on Site	Schedule 3 Condition 49	Restrict livestock grazing to designated grazing lands and areas deemed suitable for crash grazing for weed management where appropriate.		C	No suitable grazing lands on site.				
7.11 - Managing Grazing and Agriculture on Site	Schedule 3 Condition 49	Monitor grazing pressure associated with live-stock and native species as part of the Biodiversity Monitoring Program.	Annually	NC	It is understood that livestock grazing has been removed from the offset areas and the mine site. No evidence sighted of monitoring native species grazing pressure within the mine site.		Unlikely	Low	Low
7.11 - Managing Grazing and Agriculture on Site - Performance Criteria	Schedule 3 Condition 49	_Livestock are excluded from rehabilitation areas and no evidence of detrimental impacts associated with livestock grazing is identified during weekly environmental inspections and annual internal audits (MOP). - Low grazing pressure (from non-stock animals only) is evident in the rehabilitation areas as determined from monitoring.		C	Sighted during site inspection.				
7.12 - Controlling Access	Schedule 3 Condition 49	Maintain fencing and signs throughout Leard State Forest on the mining lease boundary to advise forest users not to enter the Project Boundary.	Ongoing	C	Appropriate signage and fencing sighted.				
7.12 - Controlling Access	Schedule 3 Condition 49	Maintain access roads and tracks within the Project Boundary	Ongoing	C	Access roads and tracks sighted to be appropriately maintained.				
7.12 - Controlling Access - Performance Criteria	Schedule 3 Condition 49	_ All signage is maintained in good legible condition. - All fences are maintained in good working order. - All designated access roads and tracks are maintained.		C	All signage was sighted to be maintained in good legible condition. All fences were sighted to be in good working order. All designated access roads and tracks sighted to be maintained appropriately.				
7.13 - Integrating Management with Adjoining Land Managers	Schedule 3 Condition 49	Hold regular meetings with adjoining land managers (private property and local mines) to discuss common biodiversity management issues.	Regularly	NC	Sighted minutes from regular CCC meetings. No evidence of regular meetings with adjoining landholders.		Unlikely	Low	Low
7.13 - Integrating Management with Adjoining Land Managers	Schedule 3 Condition 49	Contribute to the local Landcare group.		NC	No evidence sighted.		Unlikely	Low	Low

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7.13 - Integrating Management with Adjoining Land Managers Performance Criteria	Schedule 3 Condition 49	<p>_Ensure that the Boggabri Coal CCC is regularly updated regarding the implementation of this BMP.</p> <p>- Cooperation between land managers is obtained on matters regarding biodiversity management (i.e. weed and pest species management).</p> <p>- Records of consultation with adjoining land managers are maintained and included in the Annual Environmental Monitoring Report (when applicable).</p>		NC	<p>Sighted minutes from regular CCC meetings.</p> <p>Sighted in the latest AEMR (2013) that "A pest management program was carried out in co-operation with the Livestock Health and Pest Authority (LHPA) and local farmers during September 2013."</p> <p>Copies of CCC meeting minutes noted in the latest AEMR (2013) as available on the website.</p> <p>No records of consultation with adjoining landholders were sighted.</p>		Unlikely	Low	Low
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Ensure that all Project personnel have received environmental induction awareness training (including role-based inductions) and are appropriately qualified to complete relevant tasks.	Ongoing	C	Inductions with appropriate content sighted.				
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Complete a review of all existing and proposed roads/ access tracks within the Project Boundary and revise speed limits based on risks to native fauna. Provide and maintain speed limit signage on all roads and tracks within the Project Boundary.		V	<p>No evidence sighted of review or that speed limits have been set in consideration of risks to native fauna. Site inspection revealed that speed limit signage is maintained appropriately on roads and tracks within the Project Boundary.</p> <p>Informed that Traffic Management Plans are required which will include an assessment on risk and native fauna.</p>				
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Record the occurrence of road kills over one year to establish a baseline condition. Maintain records of road kills and review annually. In the event that occurrences exceed annual baseline data by 25%, take appropriate action in consultation with the Project Ecologist and Boggabri Coal Safety Manager (e.g. reduce speed limits, provide additional signage or communicate risks at toolbox meetings).	Ongoing	NC	<p>Evidence of weekly environmental inspections, including recording of roads kills, was sighted.</p> <p>No evidence of baseline data collection of annual review.</p>		Unlikely	Low	Low

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7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Ensure that all Project personnel understand the procedure for managing injured fauna (outside clearing operations). In the event that an injured animal is found, the Environmental Superintendent (or delegate) will immediately contact a local animal welfare organisation for advice.	Ongoing	C	Evidence of this in induction material.				
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Ensure lighting of mine infrastructure is kept to the minimum level necessary for safety and security.	Ongoing	C	Boggabri Coal representatives state that lighting is managed appropriately to minimise light pollution. The Boggabri Coal Expansion project Environmental Management Plan (Thiess Sedgman 2014) states that 'controls have been outlined in this EMP to reduce the impacts on biodiversity. These controls will help to reduce the potential impacts to local ecosystems, as well as the broader health of the regional ecosystem.' And also 'artificial lighting to be directed away from Lenard's [sic] State Forest where possible.'				
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Ensure food scraps are disposed of in appropriate locations and litter and rubbish are not entering adjoining land.	Ongoing	C	Evidence sighted of appropriate waste disposal practices. Also evidenced through notes in weekly environmental reports.				
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Report issues relating to biodiversity management at toolbox meetings.	Ongoing	C	Discussed toolbox talks with Boggabri Mine staff and on-site Ecologists, who verify that they occur each day and cover relevant biodiversity matters. Section 3.5.2.3 of AEMR States: The introduction and spread of weed species is being minimised by complying with the Clearing and Fauna Management Procedure outlined within the BMP during clearing activities, restricting access to areas of native vegetation and communicating the responsibilities to all personnel at site inductions and during regular toolbox meetings.				

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							Likelihood of harm	Level of Impact	Risk Rating
7.14 - Minimising Human Interferences to Biodiversity	Schedule 3 Condition 49	Ensure all operations are contained within the designated works area.	Ongoing	NC	All on-site evidence showed that current operations were well-demarcated. However the clearing that occurred outside of the approved clearing area is a non-compliance.				Insufficient evidence to assess risk
7.14 - Minimising Human Interferences to Biodiversity - Performance Criteria	Schedule 3 Condition 49	<p>_ All Project personnel are inducted and induction records are maintained in the Boggabri Coal database.</p> <p>- Qualifications of all Project personnel are recorded and stored in the Boggabri Coal database.</p> <p>- Ensure that site permitting requirements are adhered to by all Contractors and Project personnel.</p> <p>- Vehicle speeds and road conditions are assessed during weekly environmental inspections and annual internal audits (MOP). Corrective actions are reported in the Annual Environmental Monitoring Report.</p> <p>- Road kill is monitored and prevention measures taken as triggered, in consultation with the Project Ecologist and Boggabri Coal Safety Manager.</p> <p>- Records of waste disposal are maintained and included in the Annual Environmental Monitoring Report.</p>		V	<p>Evidence of inductions was sighted.</p> <p>No evidence of project personnel qualifications in the database</p> <p>No evidence of site permits.</p> <p>Vehicle speeds and road conditions - evidence that these are assessed during weekly environmental inspections was sighted.</p> <p>Evidence that road kill is monitored was sighted in the form of weekly environmental reports.</p> <p>Weekly Environmental Report sighted (30/01/2014) showed information on appropriate waste disposal.</p>				
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species	Schedule 3 Condition 49	Ensure that Project operations comply with the Weed and Pest Management Strategy (Appendix C).		C	Sighted in the latest AEMR (2013) that weeds and pests are controlled as per the Weed and Pest Management Strategy.				
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species	Schedule 3 Condition 49	Ensure vegetation clearing is undertaken in accordance with the Clearing and Fauna Management Procedure (Appendix B).	Prior, during and following clearing	C	Sighted in the latest AEMR (2013) that vegetation clearing is undertaken generally in accordance with the Clearing and Fauna Management Procedure. Evidenced through site inspection viewing of tree felling operations, completed LDPs and report 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species	Schedule 3 Condition 49	Communicate the location of threat-listed species and environmentally sensitive areas with Project personnel during general site inductions, role-specific inductions and regular toolbox meetings.	Ongoing	C	Evidence sighted includes induction material (Boggabri Coal Expansion Project induction and Downer EDI induction) and, during site inspection, discussion regarding toolbox talks with Boggabri Mine staff and on-site Ecologists, who verify that they occur each day and cover relevant biodiversity matters.				
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species	Schedule 3 Condition 49	In the event that threat-listed species that have not been previously recorded within the Project Boundary are identified, consult OEH and/or SEWPAC regarding the potential for relocation/translocation or other mitigation/management measures.	As required	C	Evidence sighted showing records and additional surveys being communicated to Boggabri Coal, including for <i>Tylophora linearis</i> (Parsons Brinckerhoff letter 4 August 2014) and Swift Parrot (Parsons Brinckerhoff letter 25 June 2014).				
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species	Schedule 3 Condition 49	Report environmental incidents involving threat-listed biodiversity (e.g. road kills) to OEH and/or SEWPAC. Include details in the Annual Environmental Monitoring Report.	As required	NA	No environmental incidents involving threat-listed biodiversity known to have occurred.				
7.15 - Minimising Impacts to Biodiversity, particularly Threat-listed Species - Performance Criteria	Schedule 3 Condition 49	<p>_ All Project personnel are inducted and induction records are maintained in the Boggabri Coal database.</p> <p>- Tree Clearing Reports provided by the Project Ecologist verify that clearing has been conducted in accordance with the Clearing and Fauna Management Procedure (Appendix B).</p> <p>- Records of consultation with OEH and/or SEWPAC are maintained and included in the Annual Environmental Monitoring Report (when applicable).</p>		ANC	<p>Evidence of inductions was sighted.</p> <p>Sighted in the latest AEMR (2013) that vegetation clearing is conducted in accordance with the Clearing and Fauna Management Procedure. Evidenced through site inspection viewing of tree felling operations, completed LDPs and report 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).</p> <p>No copies of correspondence with OEH/DSEWPC included in the most recent AEMR (2013). Not known if correspondence during that period was undertaken.</p>			ANC	

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.16 - Bushfire Management	Schedule 3 Condition 49	Monitor and maintain equipment and areas where bushfire hazards are present to prevent and minimise the potential outbreak of bushfire.		C	Boggabri Mine staff described the vehicles and machinery that are maintained and ready for use/redeployment during a fire.				
7.16 - Bushfire Management	Schedule 3 Condition 49	During weekly environmental inspections, monitor fuel loads adjacent to mining and within the mining lease area portion of Leard State Forest.	Weekly	NC	No evidence sighted.		Unlikely	Moderate	Low
7.16 - Bushfire Management	Schedule 3 Condition 49	Monitor the effects of the fire regime in Leard State Forest for effects on biodiversity.		NC	No evidence sighted.		Unlikely	Low	Low
7.16 - Bushfire Management	Schedule 3 Condition 49	Store and maintain appropriate fire fighting equipment in consultation with the Rural Fire Service.		C	Sighted in the latest AEMR (2013) that "BCPL has historically worked closely with the NSW RFS and forests NSW in ensuring that bushfire risks on site are actively identified and managed." Boggabri Mine staff described the vehicles and machinery that are maintained and ready for use/redeployment during a fire.				
7.16 - Bushfire Management	Schedule 3 Condition 49	Establish an appropriate fire regime for the maintenance of biodiversity in Leard State Forest.		NC	Reviewed the Public Safety EMP (Parsons Brinckerhoff September 2009). There is no mention of fire regimes in Leard SF. No evidence has been supplied to verify that this commitment is being addressed.		Unlikely	Moderate	Low
7.16 - Bushfire Management	Schedule 3 Condition 49	In the event that the Rural Fire Service or an adjoining land manager identify a significant fire risk within the Project Boundary, complete a fuel load assessment and if applicable, assess the feasibility of completing fuel load reduction burning or introducing a crash grazing regime.		NA	Not required at this stage, based on advice from Boggabri Coal at Audit Closing meeting.				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.16 - Bushfire Management - Performance Criteria	Schedule 3 Condition 49	<p>Establishment of an appropriate fire regime for managing biodiversity in Leard State Forest, in consultation with the Rural Fire Service and adjoining land managers.</p> <p>- No significant reduction in habitat suitability for fauna or alteration to the composition or structure of native plant communities occurs due to inappropriate fire regimes.</p> <p>- Compliance with the Public Safety EMP.</p> <p>- No accidental fires attributed to the Project occur.</p>		NC	<p>No evidence sighted.</p> <p>Fire regime or affect of fires (or lack thereof) on fauna not mentioned in reports 'Biodiversity Monitoring of Leard State Forest Corridor for 2013' (Parsons Brinckerhoff 2014) or 'Boggabri Coal - Biodiversity Monitoring October 2013' (Parsons Brinckerhoff 2014).</p> <p>Fires or lack thereof have not been non-compliant with the Public Safety EMP.</p> <p>No accidental fires attributable to the Project are known of.</p>	Over time this commitment becomes increasingly important as the extent of bushland around the corridor diminishes and then in future the interconnectedness with rehabilitation becomes established, including in relation to Maules Creek and Tarrawonga.	Unlikely	Moderate	Low
7.17 - Protecting the Vegetated Corridor Between the Project and Maules Creek Coal Project	Schedule 3 Condition 49	Consult representatives of the Maules Creek Coal Project regarding clearing limits to ensure an appropriate vegetated buffer is maintained.		NC	No evidence sighted.	Over time this commitment becomes increasingly important as mining approaches the vegetated buffer.	Unlikely	Moderate	Low
7.17 - Protecting the Vegetated Corridor Between the Project and Maules Creek Coal Project	Schedule 3 Condition 49	Prioritise weed and pest control measures within the vegetative corridor in order to manage edge effects.		NC	No documentary or field evidence sighted, including in reports 'Biodiversity Monitoring of Leard State Forest Corridor for 2013' (Parsons Brinckerhoff 2014) or 'Boggabri Coal - Biodiversity Monitoring October 2013' (Parsons Brinckerhoff 2014).		Likely	Low	Low
7.17 - Protecting the Vegetated Corridor Between the Project and Maules Creek Coal Project	Schedule 3 Condition 49	Restrict access through fencing and signage along the boundaries of the vegetated buffer and coordinate biodiversity management measures (e.g. weed and pest management) with representatives of the Maules Creek Coal Project.		NC	Access from Leard Forest Road has been restricted through high visibility tape and signs. Access not been restricted from within the approved disturbance area through fencing and signage.		Likely	Low	Low

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.17 - Protecting the Vegetated Corridor Between the Project and Maules Creek Coal Project	Schedule 3 Condition 49	Develop a monitoring program to assess [sic] corridor use and edge effects.		C	Ecological monitoring program has been established and commenced, as evidenced by 'Biodiversity Monitoring of Leard State Forest Corridor for 2013' (Parsons Brinckerhoff 2014).				
7.17 - Protecting the Vegetated Corridor Between the Project and Maules Creek Coal Project - <i>Performance Criteria</i>	Schedule 3 Condition 49	<p>_Cooperation with representatives of the Maules Creek Coal Project is obtained on matters regarding biodiversity management within the vegetated buffer.</p> <ul style="list-style-type: none"> - Records of consultation with the Maules Creek Coal Project are maintained and included in the Annual Environmental Monitoring Report (when applicable). - Records of noxious weed observations, pest observations, treatment, and disposal are included in Weekly Environmental Reports, Annual Compliance Reports and Annual Environmental Monitoring Reports. - All signage is maintained in good legible condition. - All fences are maintained in good working order. - All designated access roads and tracks are maintained. 		NC	<p>No evidence sighted regarding co-operation with Maules Creek Coal Project.</p> <p>No evidence that records of consultation are maintained.</p> <p>Evidence of onsite staff reporting weeds and pests sighted in the form of Minor Environmental Reports and Weekly Environmental Reports.</p> <p>All signage is maintained in good legible condition, as evidenced by site inspection.</p> <p>All fences were seen to be maintained in good working order.</p> <p>All designated access roads and tracks were seen to be maintained.</p>		Unlikely	Low	Low
7.18 - An Integrated Approach to Biodiversity Management	Schedule 3 Condition 49	Ensure that management measures provided in the RMP and BMP are consistent and allow an integrated approach to biodiversity management.		C	Evidenced by the content of the reports 'Boggabri Coal - Biodiversity Monitoring October 2013' (Parsons Brinckerhoff 2014) and 'Boggabri Coal Rehabilitation Management Plan' (Boggabri Coal January 2013) .				
7.18 - An Integrated Approach to Biodiversity Management	Schedule 3 Condition 49	Where feasible develop strategies to cover both the Project Boundary and BOAs (e.g. the Weed and Pest Management Strategy).		C	Sighted strategies for both the Project Boundary and BOAs in the approved BMP.				

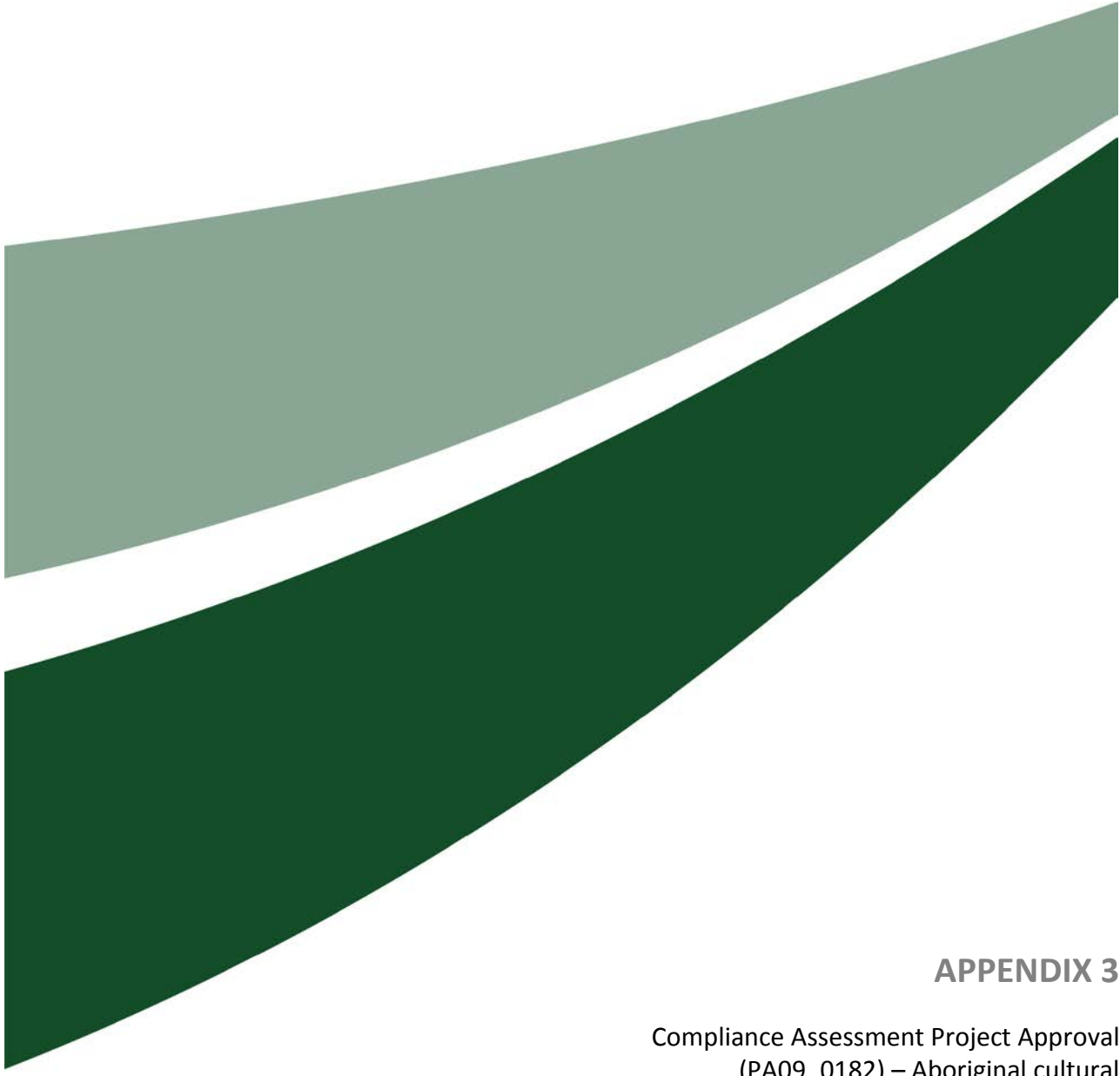
Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
7.18 - An Integrated Approach to Biodiversity Management	Schedule 3 Condition 49	Ensure that the RMP and BMP comply with the overarching environmental management process and that each document is subject to regular review.		C	Sighted in the BMP that an annual review is conducted and revisions occur on the advice of DPE and the completion of the Leard Forest Regional Biodiversity Strategy. Likewise the RMP is reviewed on an annual basis. The RMP states that it will also be revised on an as-requested basis to incorporate comments and improvements developed by appropriate government agencies and/or BCPL and their contractors.				
7.18 - An Integrated Approach to Biodiversity Management - Performance Criteria	Schedule 3 Condition 49	Management measures are planned and implemented consistently within the rehabilitation sites, surrounding areas within the Project Boundary and BOAs.		C	Evidenced by RMP content and inspection during site visit.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Seasonal annual monitoring of mine rehabilitation: - Monitoring within mine rehabilitation areas and corresponding analogue sites will comprise the annual seasonal survey of flora, vertebrates and invertebrates. - Data derived from the monitoring sites will be compared against benchmark data. Separate benchmark data for each of the three stratifications will be updated annually, based on the results of monitoring replicate sites.	Annually	C	Sighted in latest AEMR (2013) that rehabilitation monitoring is occurring annually.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Seasonal annual monitoring of the operational impacts of the Project on Leard State Forest and the biodiversity corridor: - seasonal annual survey of flora, vertebrates and invertebrates.	Annually	C	Sighted in the approved BMP that monitoring of the operational impacts of the Project on Leard State Forest has been undertaken since 2006.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Daily Surveillance: - All Project personnel are responsible for identifying biodiversity issues and reporting completed management actions to the Environment Superintendent.	Daily	C	Sighted in the latest AEMR (2013) that weed and pests are reported as per daily surveillance. Broader biodiversity issues covered in site induction / tool box talks. Evidence of onsite staff reporting weeds and pests sighted in the form of Minor Environmental Reports and Weekly Environmental Reports.				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Weekly Environmental Inspections: - The Environment Superintendent will undertake weekly environmental inspections within the Project Boundary to ensure compliance with this BMP.	Weekly	C	Sighted in example Weekly Environmental Inspection reports provided.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Annual Internal Audit: - The Environment Superintendent will undertake an annual environmental audit to ensure implementation of the MOP as a whole.	Annually	NC	No evidence sighted.		Unlikely	Low	Low
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Independent BMP Audit: - An independent auditor approved by the Director-General of DP&I will complete an audit of revegetation works within the rehabilitation area and management and restoration activities within the BOAs by the end of 2017.	By the end of 2017.	NA	No evidence sighted. Not triggered until 2017.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	A Seed Collection Report will be prepared by the Seeding Contractor and submitted to the Environment Superintendent following each collection event. The report will include the following endorsements: - confirmation regarding seed purity, germination percentages, absence of weed seed and appropriate seed treatments - confirmation that species used in restoration works are appropriate for the target vegetation community and that seeds have been sourced from local provenance. Each Seed Collection Report will be included in the succeeding Annual Environmental Monitoring Report.		NC	Seed Collection Reports not sighted in the latest AEMR (2013) or elsewhere.		Unlikely	Low	Low
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Subsequent to each clearing event, the Project Ecologist will prepare and submit a Tree Clearing Report to the Environment Superintendent. The reports will summarise the methodologies employed for clearing and fauna management and provide detailed information regarding the type, abundance and fate of species encountered. The reports will also include detailed figures illustrating the extent of clearing and location of fauna translocation sites. Each Tree Clearing Report will be included in the succeeding Annual Environmental Monitoring Report.		C	Evidenced through report 'Boggabri Coal Tree Clearing Report December 2013 to March 2014' (Parsons Brinckerhoff 2014).				

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	All environmental incidents will be managed in accordance with the Incident Management Protocol. Incidents relating to biodiversity may include, but are not limited to: - impacts on threat-listed species - injury to native fauna - clearing of vegetation beyond the clearing limits - introduction and establishment of weed and pest infestations.		NC	Interview with Boggabri Mine staff on 16-17 February 2015, and sighted 'File Note - Vegetation Clearing - February 2014', which documents the unapproved clearing matter. The incident has not been managed in accordance with the Incident Management Protocol.	Clearing of vegetation beyond the clearing limit has occurred. Boggabri Coal representatives discussed the clearing during the site visit and openly provided information on it, including an internal file note documenting the matter. The file note states: 'Incident reporting under Schedule 5, Condition 8 of the Project Approval is not required. The clearing did not cause actual or potential harm to the health or safety of human beings or ecosystems that was not trivial.' However the BMP states that an "incident" relating to biodiversity may include 'clearing of vegetation beyond the clearing limits.'			Insufficient evidence to assess risk
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	The Environment Superintendent will provide the General Manager with Weekly Environmental Reports. The reports will be based on information gathered during weekly environmental inspections within the Project Boundary and monitoring/ inspections completed within the BOAs.	Weekly	C	Weekly Environmental Inspection report sighted (30/01/2014).				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Subsequent to completion of the biodiversity monitoring events the Project Ecologist will prepare a Biodiversity Monitoring Report. The report will outline the methods used in the collection of field data and statistical analysis, present survey results and provide a discussion of general trends and conclusions. The report will be prepared and submitted to the Environment Superintendent for inclusion in the Annual Environmental Monitoring Report.	Annually	C	The report 'Boggabri Coal - Biodiversity Monitoring 2013' (Parsons Brinckerhoff 2014) outlines methods, provides simple (non-statistical) analyses, and a discussion of general trends and conclusions. Biodiversity Monitoring Reports not sighted in the latest AEMR (2013).				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	Subsequent to the annual compliance audit, the Environment Superintendent will provide the General Manager with an Annual Compliance Report. This report will review the progress of the Project in meeting the requirements of this BMP and identify any compliance issues to be managed. The findings of this report will assist in the preparation of the Annual Environmental Monitoring Report.	Annually	NC	No evidence sighted. It is possible the reference to the annual environmental monitoring report is intended to be a reference to the AEMR	Unlikely	Low	Low	

Boggabri Biodiversity Management Plan									
Dated 12 October 2012									
BMP Section	Project Approval Reference	Requirement/Commitment	Required Completion or Timeframes (if any)	Compliance C/NC/ANC/NA/V	Evidence Sighted	Observations	Risk Rating (if applicable)		
							Likelihood of harm	Level of Impact	Risk Rating
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	The Annual Environmental Monitoring Report will be completed by the end of March each year.	By the end of March each year.	C	The annual biodiversity monitoring report ('Boggabri Coal - Biodiversity Monitoring 2013' (Parsons Brinckerhoff 2014)) is dated 1 April 2014. The 2013 AEMR was submitted on 30 June 2014. It is possible the reference to the annual environmental monitoring report is intended to be a reference to the AEMR which is completed annually.				
9 - Monitoring, Inspection and Reporting	Schedule 3 Condition 49	As a combined effort with other mines located in the Leard Forest Mining Precinct, Boggabri Coal will contribute to commissioning and funding the preparation of a Leard Forest Mining Precinct Biodiversity Strategy. The Strategy will be prepared by an independent specialist approved by the Director-General of DP&I.		C	Strategy is currently in Stage 1 draft form and contributions not yet required.				

Compliant	60
Non-Compliant observation	31
	0
Administrative non-compliance	3
Verification	6
Not Applicable	16
<i>Total</i>	<i>116</i>



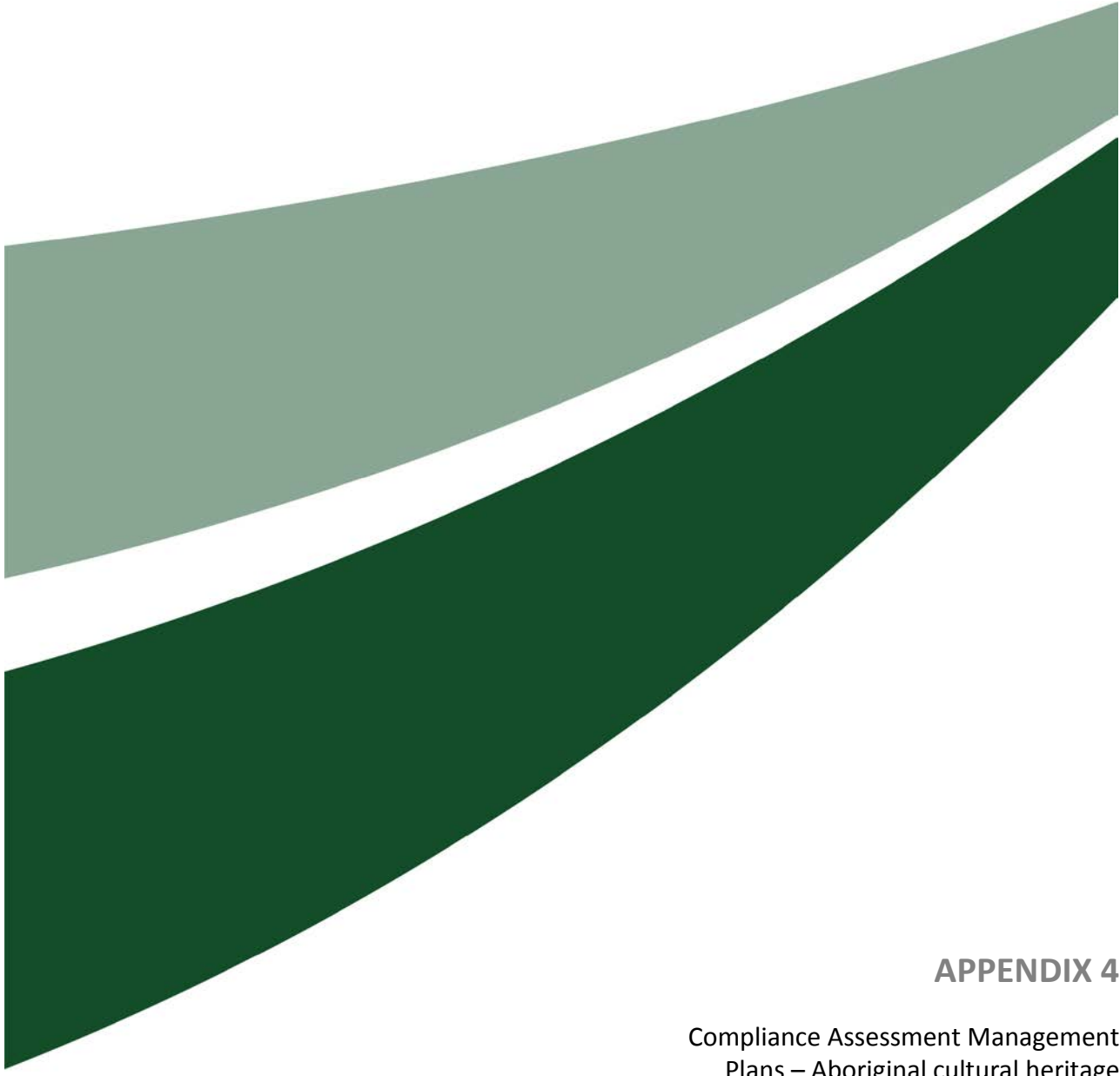
APPENDIX 3

Compliance Assessment Project Approval
(PA09_0182) – Aboriginal cultural
heritage

Project Approval No 09_0182										
Approval Dated 18 July 2012 (Modified March 2014)										
Schedule	Condition #	Requirement	CHMP Report Section (where relevant)	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
	20	<ul style="list-style-type: none"> minimise blasting impacts on heritage items in the vicinity of the site; 	4.6.2		O	Approved CHMP (dated Dec 2013, approved 29/01/14) states only that 'Any sites identified as potentially vulnerable to blasting damage will be monitored to ensure that damage from fly rock or vibration is not incurred.' but does not identify any such sites or provide any mechanisms/evidence that blasting impacts have been minimised. During site visit, it was identified that site NV48 was considered potentially subject to impacts from flyrock during construction blasting and protective measures were successfully adopted. It is recommended that the HMP be updated to identify the sites that may be potentially vulnerable to blasting damage and identify the controls required.				
		to the satisfaction of the Director-General.			ANC	No evidence was provided of the satisfaction of the Secretary relating to efforts made to minimise blasting impacts on heritage items.				ANC
Heritage Management Plan										
		The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must:			NC	CHMP dated Dec 2013 and letter of approval from DP&I dated 29/01/14 sighted The implementation of the management plan is assessed as a low risk non-compliance consistent with the compliance assessment findings for the plan as documented in Appendix 4.		Likely	Low	Low
		(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Director-General;			C	Letter of approval dated 22/8/12 sighted providing approval of appointment of Angela Besant (Insite Heritage) and Chris Carter (Archaeology Australia)				
		(b) be prepared in consultation with the OEH and the local Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);	1.4, 2.1, 2.2, 2.3, 3.1		O	Consultation log in the CHMP indicates broad consultation but are letters from 2 Aboriginal parties that are not directly addressed in main text	While the CHMP clearly outlines the process of consultation and provides some broad statements about Aboriginal party input, there are 2 lengthy responses included in appendix that are not directly addressed in main text. The main text could acknowledge more directly the responses from the Aboriginal parties, the matters raised and demonstrate process by which these have been considered. This was also identified in the 2014 audit but no corrective action has been taken to date. Compliance with OEH consultation guidelines is documented in the text but no correspondence from OEH regarding receipt of the draft document has been included			
		(c) be submitted to the Director-General for approval prior to any development that may impact heritage items, unless the Director-General agrees otherwise;			C	Letter of approval from DP&I for revised CHMP dated 29/01/14 sighted	2014 audit references letter of approval for CHMP from DP&I dated 3/12/12 (previous version) and Section 3.3.1 of SIMP stating that construction program extended from January 2013-Dec 2014. 2013 AEMR states Rev 4 lodged Dec 2013, approved Jan 2014			
		(d) include the following for the management of Aboriginal heritage:								
56		<ul style="list-style-type: none"> a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy; 	3.2		O		Aboriginal Heritage Conservation Strategy (AHCS) was completed by RPS in September 2014 but has not yet been approved. Revised HMP due to be submitted Dec 2014 but submitted Feb 2015 and not yet finalised. There is an opportunity to include information from AHCS if approved prior to approval of CHMP			
		<ul style="list-style-type: none"> a description of the measures that would be implemented for: <ul style="list-style-type: none"> o protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area; 	4.6		C					
		<ul style="list-style-type: none"> o maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas; 	4.6.3		C					
		<ul style="list-style-type: none"> o managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols; 	4.3, 4.4		C					
		<ul style="list-style-type: none"> o ongoing consultation of the local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on-site and within any Aboriginal heritage conservation areas; 	1.4		C	CHMP refers to proposed establishment of ASCF (Aboriginal Stakeholder Consultation Forum) to meet 3 times/year during construction) as mechanism for ongoing consultation				
		<ul style="list-style-type: none"> o ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions; 	4.2.2	Prior to commencement of clearing disturbance activities that may impact on sites	C					
		<ul style="list-style-type: none"> a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term; 	5.27, 5.3, 5.4 and 5.5		C					
		Notes:								
		<ul style="list-style-type: none"> The Department acknowledges that the initial Heritage Management Plan may not include a detailed plan for the implementation of the Aboriginal Heritage Conservation Strategy. If this occurs, the Proponent will be required to update the plan as soon as practicable following the Director-General's approval of the Aboriginal Heritage Conservation Strategy. 					Noted - Aboriginal heritage conservation strategy is dated 24/09/14 but has not yet been approved.			

Project Approval No 09_0182										
Approval Dated 18 July 2012 (Modified March 2014)										
Schedule	Condition #	Requirement	CHMP Report Section (where relevant)	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
		Archaeological Salvage Program								
	57	The Proponent shall prepare and implement an Archaeological Salvage Program for the project to the satisfaction of the Director-General. This Program must:			V	No evidence was provided that the Secretary is satisfied with the implementation of the Archaeological Salvage Program. It is noted that as reporting relating to the salvage program has not yet been completed, there is currently limited evidence on which the Secretary can base their assessment of satisfaction. Thus compliance with this condition could not be verified as part of the audit.				
		(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Director-General;			C	Letter of approval dated 22/8/12 sighted providing approval of appointment of Angela Besant (Insite Heritage) and Chris Carter (Archaeology Australia) for completion of CHMP, which includes salvage program				
		(b) be prepared in consultation with the OEH and the local Aboriginal stakeholders;	1.4, 2.1, 2.2, 2.3, 3.1		O	Consultation log indicates broad consultation but are letters from 2 Aboriginal parties that are not directly addressed in main text	While the document clearly outlines process of consultation and provides some broad statements about Aboriginal party input, there are 2 lengthy responses included in appendix that are not directly addressed in main text. The main text should acknowledge more directly the responses from the Aboriginal parties, the matters raised and demonstrate process by which these have been considered. This was also identified in 2014 audit but no corrective action taken to date. Compliance with OEH consultation documented in text.			
		(c) incorporate methodology including:								
		• sub-surface testing;	5.2.3		C					
		• staged salvage, based on anticipated mine planning;	5		C					
		• pre-disturbance monitoring;	4.2.1, 5.1.2		C					
		• site assessment and reporting protocols;	5.2.9		C					
		• research objectives to inform knowledge of Aboriginal occupation;	5.2.1		C					
		• protection, storage and management of salvaged Aboriginal objects;	5.3		C					
		• addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and	Appendix B		C					
		• proposed long term plan for protection of salvaged Aboriginal objects.	5.5		O		The CHMP specifies that this will be addressed in AHCS. Following finalisation of AHCS, this section should be revised however note that AHCS does not directly address long-term management of salvaged objects or establishment of Keeping Place			
		Social Impact Management Plan								
	77	b) be prepared in consultation with Council, Gunnedah Shire Council, the CCC, Aboriginal stakeholders and other relevant Government agencies and service providers, other mine operators in the Leard Forest Mining Precinct and submitted to the Director-General for approval within 12 months of project approval			C	SIMP	SIMP dated 11/11/13 (Rev 4) sighted. Documents outcomes of consultation with Aboriginal stakeholders			
4		ADDITIONAL PROCEDURES								
		Biodiversity and Heritage								
	7	If a person has good reason to believe the Proponent is not implementing the biodiversity and/or heritage conditions in schedule 3 satisfactorily, then he/she may ask the Director-General in writing for an independent review of the matter. If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision, the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to: • consult with the person and/or any relevant agencies; • investigate the person's complaints/claims; • review the environmental performance of the Proponent; • determine whether the Proponent's performance is satisfactory or not; and if necessary • recommend measures to improve the Proponent's performance; and (b) give the Director-General and complainant a copy of the independent review.			NA					

Compliant	19
Non-Compliant	2
Administrative non-compliance	2
Observation	5
Verification	1
Not Applicable	1
Total	30



APPENDIX 4

Compliance Assessment Management
Plans – Aboriginal cultural heritage

CHMP Section	Requirement/Commitment	Tasks required	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
1.4, 3.1	Ongoing consultation with Aboriginal parties	Form an Aboriginal Stakeholder Consultative Forum (ASCF) as mechanism for ongoing consultation.	ASCF to meet 3 times/year during construction, then possibly 2 times/year during operation	C	Invitations for ASCF meetings sighted for following dates 7/03/14, 19/03/14, 26/03/14, 12/06/14, 16/10/14, 18/11/14. Attendance lists sighted for meeting held 24/07/14. Minutes sighted for meeting held 16/10/14				
3.1	Ongoing consultation with Aboriginal parties	Conduct a broader consultation meeting open to Aboriginal community outside ASCF	12 monthly	C	Angela Besant, Hamish Russell and Aboriginal parties present during site inspection advised that ASCF meeting includes broader Aboriginal community (ie. other than those directly engaged in on-site works).				
2.3	Review CHMP		12 monthly from date of last review. Approved CHMP dated 19/12/13 therefore required 20/12/14	ANC	Revised CHMP dated February 2015 sighted but not approved				ANC
2.4, 5.1.3	Salvage of sites within Stage 1 area - pit	Within NE portion of Stage 1 pit progression area, carry out salvage works in accordance with conditions of AHIP 1131456 including surface collection, test pitting and then follow CHMP flow chart	Prior to impact	V	No report provided (as specified in Appendix E of CHMP). List of completed ASIR cards supplied includes site subject to salvage under AHIP 1131456 (B/C SLU) but no evidence provided on salvage methodology	This matter may be clarified pending further information from consultant			
5.1.3.1	Salvage of sites within Stage 1 area - pit	Outside bounds of AHIP area, conduct test excavation and any other salvage requirements in accordance with CHMP flow chart	Prior to impact	V	No evidence was provided that demonstrated that this requirement was met. It is understood that salvage was undertaken however no documented evidence could be provided.	This matter may be clarified pending further information from consultant			
5.1.1	Salvage of sites in Stage 1 area - rail spur and loop	Sites to be salvaged in accordance with specifications in Table 3	Prior to construction	V	ASIR cards provided for 6 of the 22 sites listed in Table 3. List of other ASIR cards submitted also provided (ASIR cards not sighted) and includes 43 sites. Does not include ASIR cards for 4 scarred trees (BC51, BC52, NV34 and NV76) but Table 3 indicates that these sites will be avoided if possible and fencing of BC51 inspected. List of ASIR cards does not include 3 sites listed in Table 3 (BC18, BC19 and BC22) as being within haul road/rail loop infrastructure area. Therefore, evidence could not be provided that all sites in Table 3 had been salvaged, however site personnel advised it had been completed. ASIR cards include sites BC30 and BC31, both of which are listed in Table 2 as being conserved during the course of the Project. ASIR cards also include sites not listed in AHMP (BCS1-6, Negero Creek, Velyama AS6, Velyama IA3, Velyama IA4 TC1-14 and TC3-14). As the content of ASIR cards for these sites has not been reviewed, context of impacts to these sites and compliance with AHMP cannot be confirmed. Further information on the nature of impacts to sites BC30 and BC31 should be provided to DPE as these sites were identified in CHMP as being conserved	This matter may be clarified if the archaeological consultant can compile their records with reference to Table 3			
5.1.4	Stage 2 salvage and management	Stage 2 CHMP to be developed in consultation with ASCF and OEH	Prior to commencement of Stage 2	C	Revised CHMP dated submitted to DPE prior to site visit. Boggabri Coal commenced Stage 2 works on 17/02/25				

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4.2.1, 5.1.2.1	Due diligence inspections	Due diligence inspections for works that will not impact on known sites. Minimum of 2 RAPs to conduct inspections. Where artefacts identified, should be managed in accordance with protocols for unknown object		C	Letter provided by Insite Heritage (26/02/15) lists all due diligence inspections that were undertaken in accordance with Table 4, noting that some inspections were not undertaken because works did not proceed. Sample sign-off forms for due diligence inspections sighted				
4.2.1	Condition monitoring of sites	Monitoring by minimum of 2 RAPs and Environment Superintended prior, during and after construction and operational phases. Sites within 100m of works monitored by BCPL staff quarterly or more regularly if required	Biannual/quarterly as minimum	NC	Letter provided by Insite Heritage (26/02/15) notes that condition monitoring has been undertaken at a small number of sites but not for all sites.		Unlikely	Low	Low
4.2.1, 4.6, 4.6.1	Protection of sites not subject to impacts	Sites to be ground-truthed, fenced and signed where within 100m of construction works/operational areas. Applies to 50 loci in 32 sites, as listed in Table 2 (9 will be impacted by Tarrawonga)		V	Letter provided by Insite Heritage (26/02/15) lists sites that have been fenced and those that will be fenced in 2015 and provides image showing sites by status. Does not include enough information to demonstrate that all sites within 100m of current or former works areas have been fenced. Sighted fencing around BC50 (ST) and BC51 (ST). Fencing of site NV80 during site visit. Evidence from previous incident investigation (scarred tree defacement) indicates fencing has not been in place at some locations at the time of works within 100m.	This matter may be clarified pending further information from consultant			
4.2.2	Site inductions	Consult with ASCF to update cultural heritage component of induction program and provide induction to all staff and contractors. Inductions to include Work Activity Pack (sites of significance, description of artefacts, acts & legal responsibilities and relevant contacts)	Prior to commencement of clearing disturbance activities that may impact on sites	C	Boggabri Coal Expansion Project Induction (dated 2/09/14) sighted and contains information on Aboriginal cultural heritage. Hamish Russell advised induction provided to all contractors. records of completion of inductions retained on-site.	Draft Aboriginal cultural heritage awareness package sighted but understood to have not yet been finalised. Contains much more comprehensive information			

CHMP Section	Requirement/Commitment	Tasks required	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
4.2.3	Completion of construction clearing checklist	Completion of form identifying sites and restrictions within works area	Ongoing	O	Former non-compliance identified in investigation into defacement of scarred tree (NV34), which was not fenced or identified to ecologists working in the area. Based on discussions on-site with Alex Cockerill (Principal Ecologist, PB) clear procedures now in place to identify potential scarred trees separately to habitat trees. Construction clearing checklist and ground penetration permit (see below) now seem to be combined. Example sighted for 2015 tree clearing. Did not reference any specific controls for Aboriginal cultural heritage and includes map showing proximity/interaction of permit area with recorded archaeological site (NV18) but no comment is made regarding whether the site has been salvaged or is subject to protective fencing nor is the sign-off form for the site included (required if salvaged). Revision of permit system suggested to include more information on plans including sites differentiated by status and requirement to incorporate copy of clearance form and/or question regarding whether salvage of sites is complete.				
4.2.4	Completion of work area pack - environmental checklist	Checklist must be signed off by Environment and Safety Management. Any ground disturbance works require due diligence or archaeological salvage works sign off form for areas not subject to previous ground disturbance	Ongoing	O	Sign off forms sighted for number of locations and letter provided by Insite Heritage (26/02/15) identified vegetation clearance areas where cultural heritage clearances had been completed. However, see observations regarding work area pack for 2015 tree clearing discussed above. Section 4.2.4 references need for inclusion of archaeological clearances and/or evidence of due diligence completion for areas that 'not previously subject to ground disturbance' but does not clearly demonstrate how those areas would be identified and what constitutes an acceptable level of prior disturbance				
4.3	Discovery of unknown object	Cease work and report to Environment Superintendent. Assess significance of site in consultation with 2 RAPs and develop methodology for management consistent with CHMP (including adherence to Site Mitigation by Salvage Flowchart)	Ongoing	C	During on-site inspection, Angela Besant demonstrated clear understanding of process to be followed for newly identified sites. Information provided by Insite Heritage (26/02/15) references additional site information and its management				
4.4	Discovery of possible human remains	Cease work and report to Environment Superintendent and police. OEH or anthropologist contacted to decide if bones are human. If human, management to be determined by police and OEH. Works cannot proceed in immediate area until clearance provided. Procedure undertaken to be documented in an incident report	Ongoing	NA	Not triggered.				

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4.5	Unintentional damage to known Aboriginal sites	Cease work and report to Environment Superintendent who will prepare an incident report to be provided to DPE. Develop management strategy in consultation with RAPs (and an archaeologist if consensus not reached). Once all this is resolved work can recommence but procedure to be documented in incident report	Ongoing	C	Incident report and outcomes for defacement of scarred tree sighted and indicate compliance with process. Additional potential incident identified (spraypaint on salvaged tree) but Hamish Russel indicated Boggabri Coal were not aware of this prior to site visit. It is understood that Boggabri Coal are investigating the timing of marking of this tree and will provide further information to DPE.				
4.6.3	Facilitate access to cultural heritage sites in project and offset areas	Once contacted, Environmental Superintendent will ensure all safety issues are addressed prior to allowing access. Community access to be discussed with ASCF		C	Letter dated 1 July 2014 from GTC sighted requesting access for ceremonial reasons and to inspect some locations. Letter from GTC dated 27/07/14 identifies that ceremony was completed and requests further access. Response from Boggabri Coal identifying some areas of access are controlled by Whitehaven. Hamish Russell indicated that access had been provided to relevant areas				
5.2.1	If there is a change in archaeologists for the project, BCPL required to obtain approval in writing from DPE		Prior to change in archaeologist	NA					
5.2.2	Surface collection	Follow methodology specified in Section 5.2.2	Prior to commencement of disturbance activities	V	Letter from Insite Heritage (26/02/15) indicates that all salvage works were undertaken in accordance with the CHMP methodology but no detailed information provided				
5.2.3	Sub-surface potential	Collection locations assessed by arch and RAPs on site (including at least 1 senior RAP) for subsurface potential as indicated by A1/A2 soil with depth of 200mm or more. If no sub-surface potential, conduct grader scrapes. If subsurface potential identified, undertake test excavation	Prior to commencement of disturbance activities	V	Letter from Insite Heritage (26/02/15) indicates that all salvage works were undertaken in accordance with the CHMP methodology but no detailed information provided				
5.2.4	Test excavation	Follow methodology specified in Section 5.2.4	Prior to commencement of disturbance activities	V	Letter from Insite Heritage (26/02/15) indicates that all salvage works were undertaken in accordance with the CHMP methodology but no detailed information provided				
5.2.5	Salvage excavation	Follow methodology specified in Section 5.2.5	Prior to commencement of disturbance activities	V	Letter from Insite Heritage (26/02/15) indicates that all salvage works were undertaken in accordance with the CHMP methodology but no detailed information provided				
5.2.6	Grader scrapes	Follow methodology specified in Section 5.2.6	Prior to commencement of disturbance activities	V	Letter from Insite Heritage (26/02/15) indicates that all salvage works were undertaken in accordance with the CHMP methodology but no detailed information provided				
5.2.8	Salvage conclusion	Archaeologist and RAPs to complete 'sign off' form at conclusion of salvage works	Prior to commencement of disturbance activities	C	Examples of sign-off forms provided for a range of activities				

CHMP Section	Requirement/Commitment	Tasks required	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
5.2.9, 10.1	Salvage reporting	Complete salvage report documenting Stage 1 salvage works and consultation. Report to be submitted to OEH and RAPs for comment. Report must include description of salvage works, inter and intra site comparisons to address research questions, comparisons of soil content in relation artefact densities and potential for artefact deposits, detailed artefact analysis, review of artefact analysis in landscape/resource context, a review of effectiveness of the salvage procedure and results of discussions with RAPs, BCPL and archaeologist regarding amendments to salvage methodology	Within 6 months of completion of Stage 1 salvage works OR 2 months prior to commencement of Stage 2 salvage works, whichever is first	NC	Insite Heritage (26/05/15) advised report will be complete 6 weeks after completion of 2015 tree clearance. This is after the commencement of Stage 2				Not rated as failure to complete salvage report does not have specific impacts. However, completion of a salvage report is critical to identifying if required activities were completed in accordance with the CHMP
5.3.1	Temporary storage of artefacts	Artefacts to be stored on site in a secure facility with chain of custody documentation		C	Artefacts stored in locked shipping container accessible to only a small number of staff. Seven boxes of artefacts sighted. Artefact register stored within each box of artefacts and chain of custody documents also present				
5.3.2	Stone artefact analysis	Artefacts stored and catalogued. Artefacts suitable for answering specific research questions to be forwarded to specialist. Artefact analysis to be conducted using attributes listed in 5.3.2		C	Artefact storage sighted and is appropriate. Letter provided by Insite Heritage (26/02/15) notes recording of artefact data has been undertaken				
5.3.3	Scarred tree salvage	Archival recording, removing scarred section and as much of non-scarred part as possible. Minimum of 2 RAPs to be present. Salvaged tree to be stored securely on site prior to relocation to Keeping Place		NC	Three scarred trees have been removed and are stored in core shed. Storage is not secure, with trees stored adjacent to chemicals, core racks and other materials. Noted that one of the trees has had a 'H' spraypainted on it, presumably as marker of habitat tree during tree clearance works. Boggabri Coal will submit a formal incident report to DPE regarding this matter. No evidence of completion of archival recording provided	Consultant may be able to provide evidence of archival recording	Likely	Low	Low
5.4	Artefact register	On-site register of all cultural heritage objects to be retained. Database to be updated to reflect salvage and 'sign-off' on areas.		C	Artefact register stored within each box of artefacts and chain of custody documents also present				
5.4	Ensure records kept for salvaged sites	Submit ASIR cards to OEH for salvaged sites	6 monthly	C	List of ASIR cards submitted to date provided by Boggabri Coal and indicates ongoing submission of ASIR cards				
5.5	Establishment of a Keeping Place	Strategy for development of Keeping Place to be defined in ACHS and plan for implementation to be incorporated in CHMP		NA		Not directly addressed in ACHS but should be addressed in revised CHMP if possible			
8.1.1	Aboriginal heritage monitoring	Monitoring of earthworks to be undertaken during infrastructure construction and ongoing mine operation		C	Letter from Insite Heritage (26/02/15) identifies where monitoring works (grader scrapes) were conducted in infrastructure area and describes monitoring process for vegetation clearance in Leard State Forest	Recommended that revised CHMP includes specific methodology for inspection of disturbance in Leard State Forest (ie. walkovers as part of clearing process) as compared to monitoring during infrastructure construction			

CHMP Section	Requirement/Commitment	Tasks required	Required Completion Date	Compliance C/NC/NT/V	Evidence	Observations	Likelihood	Impact	Risk rating
9	Auditing	Audit to include review of CHMP. Future CHMP revisions to incorporate any recommended actions or measures identified during audit	To be commissioned by end of June 2014 and every 3 years thereafter	C	Compliance audit dated 19/08/14 specifying audit commissioned 20/05/14				
10.2	Annual Environmental Management Report	AEMR to contain a section on cultural heritage management during construction and operations phase	Annually within 28 days of end of reporting period	C	AEMR dated 30/06/14 sighted and includes section on cultural heritage management				
11.1	Project CEMP	Project CEMP to contain triggers and actions from CHMP to protect cultural heritage during construction	Prior to commencement of construction	C	CEMP and letter of approval sighted				
11.2	Contract specific CEMPs	Contract specific CEMPs to be reviewed for compliance against project CEMP	Prior to commencement of contractor on site	C	Example of contract specific CEMP sighted and incorporated relevant aspects of CHMP				
13.1	Incident management	All incidents to be managed in accordance with Incident Management Procedure. Incidents involving cultural heritage will be reported to ASCF at regular meetings		C	Incident report regarding scarred tree defacement (dated 16/01/2014) sighted. Boggabri Coal identified that actions resulting from incident investigation were completed				
13.2	Complaint management	Complaints to be managed in accordance with Complaint Management Procedure.		C	Complaint register sighted				
14.1	Non-compliance and corrective actions	Where non-compliance is detected, corrective actions will be identified, agreed and implemented. Corrective action will include a full investigation and review of relevant documents and if associated with an inspection, audit or monitoring event, will be liked to the record of the event. Once action is completed, document in Non-compliance Report, which will be reviewed weekly and audited monthly	Non-compliance reports to be reviewed weekly and audited monthly	C	Incident report regarding scarred tree defacement (dated 16/01/2014) sighted. Boggabri Coal identified that actions resulting from incident investigation were completed				

Compliant	21
Non-Compliant	3
Observation	2
Verification	9
Administrative non-compliance	1
Not Applicable	3
<i>Total</i>	<i>39</i>



APPENDIX 5
Photographic Plates



Photo 1 – Boundary marking between 250 m biodiversity corridor and future mining area



Photo 2 – Vegetation clearing – Stage 1 underscrubbing and grubbing showing signage



Photo 3 – Vegetation clearing – Stage 1 underscrubbing and grubbing showing marked habitat trees



Photo 4 – Temporary salvaged habitat tree stockpile



Photo 5 – Temporary salvaged habitat tree stockpile



Photo 6 – Mine rehabilitation



Photo 7 –Example of protective fencing works (site BC51)



Photo 8 – View of salvaged scarred tree showing spray painted 'H'



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