EPBC 2009/5256 Compliance Report

May 3

2019

Reporting and Auditing Condition 28: Within three months of every 12 month anniversary of the commencement of new mining activities, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published. The person taking the action must also notify any non-compliance with this approval to the department in writing within two business days of becoming aware of the non-compliance. Note: Department of Environment (DoE) granted approval (30th May 2014) to submit the report on the 3rd May each year.

EPBC Compliance Report, 5th Year.

DOCUMENT CONTROL	7				>		2
Document Version	Date	Prepared by Signature	Signature	Reviewed by	\$ighature //	Approved by	Signature /
01	3 May 2019	S. Moore	D. Martin	D. Martin	FOR THE PORT OF TH	P. Forbes	New York
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4.		N N	[Dis
The person taking the action is required to submit a Conservation and Biodiversity Bond under condition 52 of the NSW state government project approval dated 18 July 2012 (application number 09_0182). It is noted that this bond may be combined with the rehabilitation security deposit as required by the NSW Trade and Investment - Division of Resources and Energy under the NSW Mining Act 1992. The person taking the action must submit details of this bond and the rehabilitation	within three months of the date of this approval. The plan must address the following matters: a. protection of native vegetation of a total width of 500 metres (m) where the Boggabri coal mine lease boundary is adjacent to the Maules Creek coal mine lease boundary; b. maintenance in perpetuity of this area as a biodiversity corridor; and c. evidence that the biodiversity corridor will be protected in perpetuity through a legal mechanism that would provide the equivalent protection of a conservation covanant. The approved Biodiversity Corridor Plan must be implemented.	The person taking the action must not clear more than 650 ha of known native vegetation communities and/or potential habitat for the regent honeyeater (<i>Anthochaera Phrygia</i> - formally <i>Xanthomyza phrygia</i>), swift parrot (<i>Lathamus discolour</i>) and greater long-eared bat (<i>Nyctophilus corbeni</i>), within the Boggabri extension project area identified in Attachment A of these conditions, to the extent that it is not inconsistent with the requirement to retain the biodiversity corridor required under condition 3. The 650 ha of native vegetation communities specified includes the 82 ha of the action must submit a Biodiversity Corridor Plan for the approval of the Minister	The person taking the action must not clear more than 82 ha of the EPBC listed White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community within the Boggabri extension project area identified in Attachment A of these conditions.	CONDITION CONDITION
Schedule 3, Condition 52 of the NSW Project Approval requires the Conservation and Biodiversity Bond to be submitted for State Approval in July 2015. The NSW Department of Planning and Environment (DP&E) granted an extension for the submission of the revised Biodiversity Management Plan to 2 nd October 2015. DP&E	2013. The Cth Department of Environment and Energy (DoEE) provided comments on the plan on 8th February 2016. Boggabri Coal Operations Pty Ltd (BCOPL) submitted a revised Biodiversity Corridor Plan on 6th December 2018 but the plan has not yet been approved.	Complies. The extent of the habitat cleared for these threatened species does not exceed the 650 ha as of April 2019. No further clearing has been undertaken since April 2019. Complies. Plan submitted to the Minister for approval on 10th May	Complies. The extent of the listed Critically Endangered Ecologically Community (CEEC) cleared up until April 2019 does not exceed the approved 82 ha.	COMPLIANCE



February 2016. The DoEE approved this revision on 15 April 2016.
Complies: Poy
(https://www.idemitsu.com.au/operations/boggabri-coal/approvals-
2018 Annual Environmental Management Report
where mining activities no longer occur is provided in Section 8 of the
Information on the progressive rehabilitation of the disturbance areas
been issued to the DoEE for comment.
Precinct Regional Biodiversity Strategy. Stage 1 (Scoping) report has
group meeting minutes for development of the Leard Forest Mining
Compliance with condition 5c is demonstrated through the steering
the Minister dated 4th March 2016
ecological consultants (Parsons Brinckerhoff) in a memo provided to
An ecological analysis (condition 5b) was prepared by independent
5a).
letter submitted to the Minister dated 3rd December 2014 (condition
Disturbance Approach), in addition to that approach described in the
2016 outlining the revised staged clearing proposal (Land
A subsequent letter was submitted to the Minister on 5th February
and approved by the DoEE on 3 rd May 2014.
Complies. The initial approach was submitted on 21st February 2014
BMP. Details will be provided to DoEE once approval is received
updated BMP October 2018 and is awaiting approval of the revised
Biodiversity Management Plan (BMP). BCOPL has resubmitted an
bond is to be provided within 3 months of the DP&E approving the
also confirmed in a letter dated 22 nd June 2015 that the conservation



	Compliance Report
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	2019

Refer Condition 8 below. BCPOL is in the process of will apply to which biodiver compliance is 11 February. Complies. The independent and submitted to the DoEE areas were required and thi 2014.		Note: the 1537.4 ha of White Box Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may be inclusive of the 5866.1 ha of habitat for the woodland species, as long as it meets the listing criteria for the	8 8
condition Must register a legally binding conservation covenant over the offset quivalent or better quality of threatened species habitat defined as native es. This must include no less than 1537.4 ha 'equivalent or better' quality of —Blakely's Red Gum Grassy Woodland and Derived Native: Grassland ose defined at Attachment B of these conditions, or alternative areas agreed by. If February 2020. In ant/s, listed in condition 7, must provide protection in perpeculty for the offset by 11 February 2020. In ant/s with condition 8 must be provided to the Department within 30 days of ding covenant. In a ction must verify through an independent review by 30 December 2013, the nabitat or potential habitat for the regent honeyeater, swift parrot and greater sposed offset areas. The review will: It, quality and ecological characteristics of the offset areas in line with the edepartment's Environment Protection and Biodiversity Conservation Act al Offsets Policy October 2012 Ecological experts who have been agreed in writing by the department within within addition 7 do not meet the 'equivalent or better' quality, or the condition 9a, then additional areas must be protected until all the relevant		criteria under condition 9 are met.	
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condition ction must register a legally binding conservation covenant over the offset quivalent or better quality of threatened species habitat defined as native es. This must include no less than 1537.4 ha 'equivalent or better' quality of —Blakely's Red Gum Grassy Woodland and Derived Native: Grassland ose defined at Attachment B of these conditions, or alternative areas agreed or. nant/s, listed in condition 7, must provide protection in perpetuity for the offset by 11 February 2020. with condition 8 must be provided to the Department within 30 days of ding covenant. ction must verify through an independent review by 30 December 2013, the nabitat or potential habitat for the regent honeyeater, swift pairrot and greater posed offset areas. The review will: ty, quality and ecological characteristics of the offset areas in line with the edepartment's Environment Protection and Biodiversity Conservation Act al Offsets Policy October 2012			
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condition condition condition conservation covenant over the offset endivalent or better quality of threatened species habitat defined as native set. This must include no less than 1537.4 ha 'equivalent or better' quality of endive endivers. Blakely's Red Gum Grassy Woodland and Derived Native Grassland obse defined at Attachment B of these conditions, or alternative areas agreed ends. In ant/s, listed in condition 7, must provide protection in perpetuity for the offset by 11 February 2020. With condition 8 must be provided to the Department within 30 days of ding covenant.	Complies. The independent review was completed in December 2013		့်
condition condition 7, must provided to the Department within 30 days of with condition 8 must be provided to the Department within 30 days of		registering a legally binding covenant.	
condition covenant over the offset es. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native es. This must include no less than 1537.4 ha 'equivalent or better' quality of —Blakely's Red Gum Grassy Woodland and Derived Native Grassland ose defined at Attachment B of these conditions, or alternative areas agreed pants, listed in condition 7, must provide protection in perpetuity for the offset by 11 February 2020.		Evidence of compliance with condition 8 must be provided to the Department within 30 days of	
condition condition 7, must provide protection in perpetuity for the offset condition covenant over the offset inction must register a legally binding conservation covenant over the offset equivalent or better quality of threatened species habitat defined as native es. This must include no less than 1537.4 ha 'equivalent or better quality of cassiand equivalent or better quality of the seconditions, or alternative areas agreed entry, listed in condition 7, must provide protection in perpetuity for the offset	compliance is 11 February 2020.	area and be registered by 11 February 2020.	
condition Condition 8 below. Condition 8	BCPOL is in the process of determining which legal mechanisms		œ
condition		in writing by the Minister .	
condition 8 below. Inction must register a legally binding conservation covenant over the offset requivalent or better quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native Ses. This must include no less than 1537.4 ha 'equivalent or better' quality of threatened species habitat defined as native		The offset areas are those defined at Attachment B of these conditions, or alternative areas agreed	
condition condition condition condition 8 below. cution must register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register a legally binding conservation covenant over the offset register register a legally binding conservation covenant over the offset register register register and register regi		ecological community.	
condition condition condition condition 8 below.		White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland	
condition condition condition guivalent or better' quality of threatened species habitat defined as native condition 8 below.		vegetation communities. This must include no less than 1537.4 ha 'equivalent or better' quality of	
CONDITION CONDITION Refer Condition 8 below.		areas of 5866.1 ha of 'equivalent or better' quality of threatened species habitat defined as native	
CONDITION	Refer Condition 8 below.		7.
CONDITION		Mechanism to secure offsets	Mec
		Offset areas	Offs
	COMPLIANCE	CONDITION	



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EPBC-listed critically endangered ecological community as defined in the EPBC listing advice for that community and the	COMPLIANCE
quantity and quality is validated through the independent review.	
11. If the person undertaking the action proposes to undertake any action within the offset areas secured	No actions (other than management activities) have been undertaken
under condition 7, other than those management activities related to managing the offset areas or as	in the offset areas proposed to be secured under condition 7.
set out in the conditions approval, then approval to undertake that action must be obtained in writing	
from the Minister. In seeking the Minister's approval, the person undertaking the action must provide	
a detailed assessment of the area where the action is proposed to take place and an assessment of	
all associated adverse impacts on matters of national environmental significance. If the Minister	
agrees to the action within the offset areas, the area identified for the action must be excised from the	X
proposed offset area and alternative offsets secured by the person taking the action (subject to this	
approval) at a ratio of at least 20:1 in relation to the impact on matters of national environmental	
significance	
Offset management plan	
12. To offset the impacts to the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and	Complies. The current offset management plan is being implemented.
Derived Native Grassland and the habitat of the regent honeyeater, swift parrot and greater long-	BCOPL resubmitted an updated BMP with a revised biodiversity
eared bat, the person taking the action must submit to the Minister for approval an Offset	offset strategy as required by the NSW Project Approval in October
management plan for all of the offset areas, specified in condition 7, within 6 months of the date of	2018 to DP&E and is awaiting approval of the revised BMP. Details
this approval. The approved Offset management plan must be implemented prior to the	will be provided to the DoEE once approval is received.
commencement of new mining operations	
Note: for consistency, the person taking the action may develop a Biodiversity Management plan that includes the	
requirements set for managing offsets as set out in these conditions, to align with the requirements of the NSW state government Project Approval dated 18 July 2012 (application number 09_0182) and this approval.	
13. The Offset management plan must include, but not be limited to, the following information:	Refer to condition 12.
 a objectives to clearly identify baseline conditions of the offset sites, establish performance 	
indicators and discuss methods for adaptive management.	
b a text description and map to clearly define the location and boundaries of the offset areas. This	
must be accompanied by the offset attributes and shapefiles.	



v. a set of measurable ecological indicators for detecting changes to the White Box— Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland	iii. iii. timing of management activity for each area	ii. management actions for each area and details of management methods to be used	i. a map showing areas to be managed	Plans to improve upon the baseline condition (identified in the surveys required by condition 13c) consistent with the State and Transition Model, EPBC listing advice, and threatened species habitat defined as native vegetation communities, including but not limited to:	ix. surveys of the regent honeyeater, swift parrot and greater long-eared bat	viii, description of fauna habitat including condition, type and connectivity	vi. number of native plant species in ground layer	y, percentage tree canopy cover	iv. tree age class representation	iii. photo reference points	ii. vegetation condition mapping	location of survey points (GPS reference)	State and Transition Model, including but not limited to:	a detailed survey and description (prior to any management activities, hence a baseline) of the	CONDITION	
															COMPLIANCE	



Ecological Community, including those that may be ascribed to ongoing water stress

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	CONDITION	COMPLIANCE
	a monitoring plan to assess the success of the management activities measured	
	against the baseline condition. The monitoring must be statistically robust and able to	
	quantify change in the condition of White Box—Yellow Box—Blakely's Red Gum Grassy	
	Woodland and Derived Native Grassland Ecological Community. This should include,	
	but not be limited to, control sites and periodic ecological surveys to be undertaken by a qualified ecologist	
۷ii	a description of the potential risks to successful management against the performance	
	criteria, and a description of the contingency measures that would be implemented to mitigate these risks	
VIII	 a process to report, to the department, the progress of management activities 	
	any need for improved management and activities to undertake such improvement	
×.	details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor	
14. Unless surveys	Unless otherwise agreed to in writing by the department , the baseline surveys (identified in the surveys required by condition 13c) must be conducted in accordance with the department's Survey	Complies. Surveys have been undertaken in accordance with the specified guidelines.
guidelir Subsec	guidelines for Australia's threatened birds and the survey guidelines for Australia's threatened bats. Subsequent monitoring must be carried out annually at the same time of year as the baseline surveys	
each ye Surface and	each year unless otherwise agreed to in writing by the department. Surface and groundwater management plans	
15. The pe	the Minister for approval, the surface and groundwa	Complies. Surface and Groundwater management plans were
18 July	18 July 2012 (application number 09_0182). The surface and groundwater management plans	and implemented prior to the commencement of new mining
approv	approved by the Minister must be implemented prior to the commencement of new mining	operations.
operations	Oils.	



mine water will be taking place.	assessment must include the risk of metal and salinity accumulation in soils.
Not applicable RCOPI has advised the DoFF that no irrigation of	19. A risk-based assessment of the disposal of mine water by irrigation on soils must be undertaken. The
	 how the surface and groundwater management plans addressed groundwater and surface water impacts on native vegetation
	 any updated modelling of surface and groundwater impacts that has been undertaken in preparing the surface and groundwater management plans
Complies. Refer to Condition 15.	18. The person taking the action must within 6 months of the date of this approval, or such other timeframe specified by the Minister, provide to the Minister a report on:
	e. monitoring to assess the ongoing quality and quantity of both surface and groundwater to identify impacts on the native vegetation.
	d. identify the depth of root zone of the native vegetation
	c. trigger levels pertaining to drawdown in the alluvial aquifer when corrective actions will be required to be undertaken
	b. drawdown in hard rock aquifer
	 a. maximum amount of allowable drawdown in the alluvial aquifer
	may impact on the consequent health of the remnant native vegetation in the Leard State Forest, the Leard State Conservation Area and surrounding areas. In particular the advice must address the following matters:
	15), addresses the cumulative impact of groundwater drawdown as a result of mining and how this
Precinct Water Management Strategy was submitted as part of the Surface and Groundwater management plans	other approved mines within 20 km of the mine site provide written advice to the Minister
condition 38 of the NSW Project Approval, a Leard Forest Mining	taking the action to develop and operate the Maules Creek Coal Project (EPBC 20:10/5566) and any
Complies. Refer to Condition 15. In accordance with schedule 3,	17. The person taking the action must within 6 months of this approval, in collaboration with the person
Refer to Condition 15.	Mailageilleilt Strategy.
Complies. The Surface and Groundwater management plans are	16. The surface and groundwater management plans must be consistent with the National Water Quality
COMPLIANCE	CONDITION



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23. The Mine site rehabilitation plan must include, at a minimum, the following information:	Environment Assessment and, as required under the NSW state government Project Approval dated 18 July 2012 (application number 09_0182); and b. not replace top soil and sub soil layers at a depth less than the minimum depths determined through pre-stripping soil surveys as described in condition 23c. Note: the NSW state government Project Approval dated 18 July 2012 (application number 09_0182) conditions require prestripping soil surveys and inventories to inform the availability, rehandling, stockpiling and management of soils, and maximising the salvaging of soil to be used, in the rehabilitation of the site.	 The person taking the action must: a. rehabilitate the site to be consistent with the proposed rehabilitation strategy as provided in the 	Leard Forest Mining Precinct Regional Biodiversity Strategy 20. The person taking the action must implement the regional biodiversity strategy as required under conditions 40-46 of the NSW state government Project Approval dated 18 July 2012 (application number 09_0182). The required scoping report for the development of the strategy must be submitted to the Minister for approval on or before 31 July 2013. The approved strategy must be implemented. Mine site rehabilitation 21. To mitigate the impacts to the White Box-Yellow Box -Blakely's Red Gum Grassy Woodland and Derived Native Grassland and the habitat of the regent honeyeater, swift parrot and greater long-eared bat, the person taking the action must, within 12 months of commencement of new mining activities, submit to the Minister for approval a Mine site rehabilitation plan for the progressive rehabilitation and revegetation of no less than 650 ha (less the portion included in the biodiversity corridor identified in condition 2) in the Boggabri extension mine site using species consistent with a White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. This approved Mine site rehabilitation plan must be implemented.	
		Complies. Refer to Condition 21,	Complies with the revised timeframes agreed with the DP&E. The Stage 1 scoping report was approved by the Secretary on 13 May 2016 and provided to DoEE. The Stage 2 strategy report was approved by the Secretary on 1 September 2017. The approved strategy is currently being implemented. Complies. The Rehabilitation Management Plan (RMP) was resubmitted on the 29th January 2015 due to changes in staff at the DoEE. The DP&E requested that BCOPL revise the RMP and a copy of the revised RMP was provided to DoEE on 31st October 2015.	3)



disturbance sites and soil sampling at no less than one sample point per 20 ha of each soil type identified. Sampling must identify; type, depth, water holding capacity, structure and physio-chemical properties of each of the soil and subsoil layers. processes and methodologies for the removal, storage and re-layering of the top soil and subsoil layers underlying the disturbed sites being prepared for rehabilitation. These processes.
detailed soil depth surveys and analysis to inform the effective placement and restoration or soils underlying the proposed rehabilitation sites; including mapping of soils across the disturbance sites and soil sampling at no less than one sample point per 20 ha of each soil
details of the vegetation communities to be rehabilitated and the timing of progressive rehabilitation (commencing as soon as practicable following disturbance)
CONDITION

Final Landform

Complies.	28. Within three months of every 12 month anniversary of the commencement of new mining
Complies.	27. Within 14 days after the commencement of new mining activities, the person taking the action must advise the department in writing of the actual date of commencement of new mining activities.
	Reporting and auditing
Complies. DoEE has not requested species and ecological survey data to date.	Survey data 26. All survey data collected for the project must be recorded so as to conform to data standards notified from time to time by the department. When requested by the department, the person taking the action must provide to the department all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the department in writing. The department may use the survey data for other purposes.
Complies. Refer to Condition 21 and Condition 24.	25. The person taking the action must undertake rehabilitation to ensure the final landform minimises the extent of any resulting pit lake, avoids salt scalding and ensures that drained waters do not adversely affect the downstream environment and avoids any impacts on matters of national environmental significance. Note: the NSW state government Project Approval dated 18 July 2012 (application number 09_0182) approval conditions require the preparation and implementation of an updated Final Void and Mine Closure Plan that considers interactions with the adjoining mines, including interaction between final voids, opportunities for integrated mine planning with adjoining mines to minimise environmental impacts, all reasonable and feasible landform options for the final void (including filling) and predicted hydrochemistry and hydrogeology (including long-term groundwater recovery and void groundwater quality).
COMPLIANCE Complies. Refer to Condition 21. The site is being progressively rehabilitated in accordance with the NSW Project Approval requirements. The final Void and Mine Closure Plan under State Condition 72 is not required to be submitted until December 2025.	24. The person taking the action must rehabilitate the site consistent with the proposed Rehabilitation Strategy as required under conditions 69, 70, 71 and 72 of the NSW state government Project Approval dated 18 July 2012 (application number 09_0182) such that the final landform provides the optimum opportunity for the successful restoration of native forest and woodland including the critically endangered White Box—Yellow Box— Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community.





CONDITION	COMPILANCE
32. If, at any time after 5 years from the date of this approval, the person taking the action has not	Complies. Project extension started on 3rd February 2014.
commenced new mining actions , then the person taking the action must not commence the action without the written agreement of the Minister .	
Publication of plans	
33. The person taking the action must maintain accurate records substantiating all activities and	Complies. DoEE has not requested any records or undertaken an
outcomes associated with or relevant to the above conditions of approval, including measures	audit in accordance with section 458 of the EPBC Act. All approved
taken to implement the management plans required by this approval, and make them available	management plans are made publicly available on the company
upon request to the department . Such records may be subject to audit by the department or	website.
compliance with the conditions of approval. Summaries of audits will be posted on the	
department's website. The results of audits may also be publicised through the general media.	
34. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish	Complies. Approved management plans are published on
all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.	https://idemitsu.com.au/

