



VARIATION OF CONDITIONS ATTACHED TO APPROVAL MAULES CREEK (EPBC 2010/5566)

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

Approved action

Person to whom the approval is granted Aston Coal 2 Pty Limited
ACN: 139 472 567

Approved action To construct and operate an open cut coal mine 18 km north-east of the township of Boggabri in New South Wales, including associated infrastructure [See EPBC Act referral **2010/5566**].

Expiry date of approval 31 December 2053

Variation

Variation of conditions attached to approval The variation is:

Delete conditions 4, 6, 9, 10, 11, 11A, 12C, 13A, 25, 27 and 29 attached to the conditions and replace them with the conditions 4, 6, 9, 10, 11, 11A, 12C, 13A, 25, 27 and 29 specified in the table below.

Revoke condition 9A.

Delete the definitions of **Additional independent review**, **Condition class** and **Project area** attached to the conditions and replace them with the definitions of **Additional independent review**, **Condition class** and **Project area** specified in the table below.

Add the definitions of **Business day** and **Equivalent or better quality** specified in the table below.

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position Kim Farrant
Assistant Secretary
Environment Assessments (Vic,Tas) and Post Approvals Branch
Environment Approvals Division

Signature

Date of decision 21 October 2022

Date of decision	Conditions attached to approval
Original dated 11/2/2013	<p>Disturbance areas</p> <p>1. The person taking the action must not clear more than 544 hectares (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 Maules Creek project area, as identified in <u>Attachment A</u> of these conditions.</p>
Original dated 11/2/2013	<p>2. The person taking the action must not clear more than 1665 ha of habitat for the regent honeyeater (<i>Anthochaera phrygia</i>: formerly <i>Xanthomyza phrygia</i>), swift parrot (<i>Lathamus discolor</i>) or greater long-eared bat (<i>Nyctophilus corbeni</i>), within the Maules Creek project area. The 1665 ha of habitat specified includes the 544 ha of the critically endangered ecological community at condition 1.</p>
Variation dated 24/03/2021	<p>3. The person taking the action must submit a Biodiversity Corridor plan for the approval of the Minister within three months of the date of this approval. The plan must address the following matters:</p> <ul style="list-style-type: none"> a) protection of native vegetation of a total width of 500 metres (m) where the Maules Creek coal lease boundary is adjacent to the Boggabri 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 covenant. <p>The approved Biodiversity Corridor must be implemented.</p>
As varied on the date this instrument is signed	<p>4. The person taking the action is required to submit a Conservation and Biodiversity Bond under condition 55 of the NSW state government project approval dated 23 October 2012 (Application 10_0138). It is noted that this bond may be combined with the rehabilitation security deposit as required under the NSW <i>Mining Act 1992</i>. The person taking the action must submit details of this bond and the rehabilitation security deposit, to the Minister. If the Minister is not satisfied that the bond and the rehabilitation security deposit lodged by the person taking the action is adequate to provide for the implementation of the requirements referred to under conditions 3, 12A, 12B, 25-28 the Minister may require the person taking the action to establish an additional bond or equivalent financial instrument in trust, under conditions approved in writing by the Minister.</p>
Original dated 11/2/2013	<p>5. The person taking the action must provide a map to the Minister showing the area of the biodiversity corridor within the Maules Creek coal mine lease boundary within one month of this approval decision and detail the amount (in hectares) of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat within this area.</p>
As varied on the date this instrument is signed	<p>6. The person taking the action must submit to the Minister for approval, within three months of the commencement of the action, an approach that:</p> <ul style="list-style-type: none"> a) limits the maximum disturbance (in hectares) specified for each of the years 5, 10, 15 and 21 from the date of this approval of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and the habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat; b) incorporates an analysis, undertaken by independent ecological experts approved by the Department, that demonstrates the maximum disturbance limits which will minimise any impacts on relevant matters of national environmental significance; c) demonstrates collaboration with the person taking the action to develop and operate the Boggabri Coal Project (EPBC 2009/5256), in order to minimise progressive project area disturbance limits across both sites. The progressive

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	disturbance limits are to be reflected in the development of the Leard Forest Mining Precinct Biodiversity Strategy.
Original dated 11/2/2013	7. The person taking the action must not clear more than the maximum project area disturbance limits specified for each of the years 5, 10, 15 and 21 as described in condition 6, unless otherwise approved by the Minister .
Variation dated 24/03/2021	8. The person taking the action must publish the analysis required under condition 6.b) on their website.
As varied on the date this instrument is signed	<p>Direct Offsets</p> <p>9. The person taking the action must register legally binding conservation covenants over offset areas containing, to the satisfaction of the Minister, no less than:</p> <ul style="list-style-type: none"> a. 9,334 ha that must be managed to achieve equivalent or better quality habitat for the regent honeyeater, swift parrot and greater long-eared bat; and b. 5,532 ha of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community, that must be managed to achieve equivalent or better quality. <p>Note: the 5,532 ha of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community may be included within the 9,334 ha of offset areas for the threatened species if it meets the listing criteria for the EPBC-listed critically endangered ecological community as defined in the EPBC listing advice for that community and the requirements of condition 9.</p>
As varied on the date this instrument is signed	9A. Revoked
As varied on the date this instrument is signed	10. The person taking the action must verify through independent review the quantity and condition class of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within all offset areas proposed in the Environmental Assessment , as specified at <u>Attachment B</u> of these conditions, and any additional offsets as required under condition 11. Details of all independently verified offset areas proposed in the Environmental Assessment must be submitted to the Minister for approval by 30 December 2013. The findings of the independent review must be published on the website of the person taking the action and remain published until the expiry of this approval.
As varied on the date this instrument is signed	11. If the independent review finds that the offset areas proposed in the Environmental Assessment do not meet the requirements of condition 9, then additional areas must be included in the offset areas until the independent review finds that the relevant criteria under these conditions are met.
As varied on the date this instrument is signed	<p>Replacement and new offsets</p> <p>11A. For the purpose of condition 9, the offset areas may include additional offset areas to the offset areas which were the subject of independent review under conditions 10 and 11 if:</p> <ul style="list-style-type: none"> a) the person taking the action submits a report to the Minister for approval, which has been subject to additional independent review, that identifies and verifies the quantity and condition classes of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within the additional offset areas;

Date of decision	Conditions attached to approval
	<p>b) that report is submitted to the Minister for approval by 30 June 2022, unless otherwise agreed by the Minister in writing; and</p> <p>c) the Minister has approved that report.</p> <p>The person taking the action must publish the report on its website within 30 days of the Minister's approval, unless otherwise agreed by the Minister in writing.</p>
Variation dated 24/03/2021	12. Revoked
Variation dated 24/03/2021	<p>Offset Management Plans</p> <p>12A. The person taking the action must submit to the Minister for approval an Offset management plan for all of the offset areas proposed in the Environmental Assessment, specified in Attachment B, within 12 months of this approval. The approved Offset management plan must be implemented for all of the offset areas proposed in the Environmental Assessment, specified in Attachment B, and any offset areas agreed as a result of independent verification process as specified in conditions 10 and 11, unless the Minister agrees to the removal of any specific properties as an offset area under this approval.</p> <p>If, after 31 October 2021, the Minister informs the person taking the action that the submitted Offset management plan is not suitable for approval, the Minister may, after 30 December 2021, approve a version of the Offset management plan revised by the Department.</p> <p>Note: for consistency, the person taking the action may develop a Biodiversity Management plan that includes the requirements set for managing offsets and set out in these conditions, to align with the requirements of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) and this approval.</p>
Variation dated 24/03/2021	<p>12B. The person taking the action must submit to the Minister for approval an Additional Offset management plan for the additional offset areas within 6 months of their approval under condition 11A. The person taking the action must implement the approved Additional offset management plan.</p> <p>If, after a further 3 months, the Minister informs the person taking the action that the submitted Additional Offset management plan is not suitable for approval, the Minister may, after a further 3 months, approve a version of the Additional Offset management plan revised by the Department.</p> <p>Notes:</p> <p>(1) for consistency, the person taking the action may develop a Biodiversity Management plan that includes the requirements set for managing offsets and set out in these conditions, to align with the requirements of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) and this approval.</p> <p>(2) with the agreement of the Minister, the person taking the action may combine the Offset management plan and the Additional Offset management plan.</p>
As varied on the date this instrument is signed	<p>12C. Each <i>offset management plan</i> must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) a text description and map which clearly defines the location and boundaries of the offset areas. This must be accompanied by the offset attributes and shapefiles; b) a description of the methodology and results of surveys measuring the baseline ecological conditions in the offset areas. This must be consistent with the State and Transition Model and include but not be limited to:

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	<ul style="list-style-type: none"> i. the extent and condition of all vegetation communities, including a description of the structure, floristics and tree age class representation of each community; ii. the extent and condition class of all areas of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community; iii. surveys targeting the regent honeyeater, swift parrot and greater long-eared bat; iv. the extent and quality of all areas of habitat for the regent honeyeater, swift parrot and greater long-eared bat; v. the location of all survey sites (including co-ordinates); vi. photo reference points at survey sites. <p>c) clearly defined ecological management objectives for the offset areas;</p> <p>d) detailed description of all ecological management activities proposed to be undertaken, including maps and/or diagrams showing areas to be managed and the timing of the proposed activities;</p> <p>e) details of ongoing ecological monitoring programs, performance criteria, targets and provisions for adaptive management, including but not limited to:</p> <ul style="list-style-type: none"> i. 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 critically endangered ecological community, including those that may be ascribed to ongoing water stress; ii. 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 extent and condition of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat. This should include the use of control sites and periodic ecological surveys to be undertaken by a qualified ecologist; iii. a list of performance criteria based on the ecological management objectives for the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat; iv. measures to exclude weeds from all offset areas for the period covered by this approval; v. 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 against these risks; vi. a process by which to report to the department the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement. <p>f) details of all parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor;</p>

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	<p>g) details of the funding requirements for the ongoing management activities, including an estimate of the costs of the activities and details of the parties responsible for funding the activities.</p>
<p>Variation dated 24/03/2021</p>	<p>12D. Unless otherwise agreed to in writing by the department, the baseline surveys for threatened species must be conducted in accordance with the department's <i>Survey Guidelines for Australia's Threatened Birds</i> and the <i>Survey Guidelines for Australia's Threatened Bats</i>. Subsequent monitoring must be carried out annually at the same time of year as the baseline surveys, unless otherwise agreed to in writing by the department.</p>
<p>Variation dated 24/03/2021</p>	<p>Mechanisms to protect offset areas</p> <p>13. The mechanism/s for registering a legally binding covenant must provide protection for the offset areas proposed in the Environmental Assessment as specified at <u>Attachment B</u> of these conditions, in perpetuity and be registered by 30 June 2021, unless the Minister agrees in writing to removal of any specific properties.</p> <p>Evidence of compliance with condition 13 must be provided to the Department within 30 days of registering a legally binding covenant.</p> <p>The person taking the action must report on progress meeting these requirements in each annual compliance report required under condition 34 and as otherwise requested by the Department.</p>
<p>As varied on the date this instrument is signed</p>	<p>13A. For any approved replacement and new offset area, the person taking the action must:</p> <ul style="list-style-type: none"> a. implement an approved offset management plan (as per condition 12B); b. submit an application to establish legally binding covenants that provide protection for the offsets areas in perpetuity within 60 business days of securing the Minister's approval of the report prepared pursuant to condition 11A of these approval conditions; and c. by 31 March 2024, register the legally binding covenants that provide protection for the offset areas in perpetuity. <p>The approval holder must report on progress meeting these requirements in each annual compliance report required under condition 34 and as otherwise requested by the Department.</p>
<p>Variation dated 24/03/2021</p>	<p>Mining activity affecting offsets areas</p> <p>14. If the person taking the action proposes to undertake any mining activity within or beneath areas secured in accordance with conditions 9, 13 and 13A, then approval to undertake that action must be obtained in writing from the Minister before undertaking any mining activity within or beneath such areas. In seeking the Minister's approval, the person undertaking the action must provide a detailed assessment of the area where the mining activity 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 offset area and alternative offsets secured by the person taking the action at a ratio of at least 20:1 in relation to the impact on matters of national environmental significance.</p> <p>Notes:</p> <p>(1) For the avoidance of any doubt, condition 14 does not apply to an offset area proposed in the Environmental Assessment, as specified at Attachment B of these conditions, if the Minister has agreed in writing to the removal of the property as an offset area pursuant to condition 13 of this approval.</p>

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	(2) In accordance with the EPBC Act, if the proposed mining activity is not part of the approved action, the proposed mining activity cannot be approved as part of this EPBC Act approval.
Original dated 11/2/2013	<p>Indirect Offsets</p> <p>15. To compensate for the loss of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must submit to the Minister for approval, within 2 years of the date of this approval, a project plan to invest \$1 million for research that will identify effective methodologies for achieving rehabilitation and restoration of functioning White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland endangered critically ecological community on mining sites. The research must be undertaken by a third party and be available to industry and governments generally. The approved project plan must be implemented.</p>
Variation dated 16/3/2017	<p>16. To compensate for the loss of the habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must provide \$1.5 million over the life of the approval (comprising \$500,000 for each of the regent honeyeater, swift parrot and greater long-eared bat), to deliver activities that implement priority recovery actions for the regent honeyeater, swift parrot and greater long-eared bat. A detailed project plan governing the timing of the \$1.5 million funding for the activities and outcomes must be developed. The project plan must be submitted to the Minister for approval by 30 April 2017, or otherwise agreed in writing by the Minister. The project plan should demonstrate consultation with relevant species experts and be consistent with approved National Recovery Plans where they are available, and as agreed with the relevant Recovery Planning Teams. The approved project plan must be implemented.</p>
Variation dated 24/03/2021	17. Revoked
Variation dated 24/03/2021	18. Revoked
Variation dated 24/03/2021	19. Revoked
Correction dated 16/4/2013	<p>Surface and groundwater management plans</p> <p>20. The person taking the action must provide to the Minister for approval, the <i>surface and groundwater management plans</i> as identified in condition 40 of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138). The <i>surface and groundwater management plans</i> must be approved by the Minister prior to commencement of construction.</p>
Original dated 11/2/2013	21. The <i>surface and groundwater management plans</i> must be consistent with the National Water Quality Management Strategy .
Original dated 11/2/2013	<p>22. The person taking the action must, prior to commencement of construction, in collaboration with the proponent to develop and operate the Boggabri Extension (EPBC 2009/5256) and any other approved mines within 20 kilometres (km) of the project area, provide written advice to the Minister demonstrating how the NSW government approved <i>surface and groundwater management plans</i> (condition 20), addresses the cumulative impact of groundwater drawdown as a result of mining and how this 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:</p> <ul style="list-style-type: none"> a. maximum amount of allowable drawdown in the alluvial aquifer b. drawdown in hard rock

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	<ul style="list-style-type: none"> c. trigger levels pertaining to drawdown in the alluvial aquifer when corrective actions will be required to be undertaken d. identify the depth of root zone of the native vegetation e. monitoring to assess the ongoing quality and quantity of both surface and groundwater to identify impacts on the native vegetation.
Original dated 11/2/2013	<p>23. 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:</p> <ul style="list-style-type: none"> a. any updated modelling of surface and groundwater impacts that has been undertaken in preparing the <i>surface and groundwater management plans</i> b. how the <i>surface and groundwater management plans</i> addressed groundwater and surface water impacts on matters of national environmental significance.
Original dated 11/2/2013	<p>Leard Forest Mining Precinct Regional Biodiversity Strategy</p> <p>24. The person taking the action must implement the regional biodiversity strategy as required under condition 41 of the NSW state government project approval dated 23 October 2012 (application number 10_0138). 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.</p>
As varied on the date this instrument is signed	<p>Mine site rehabilitation</p> <p>25. To mitigate the impacts to the White Box-Yellow Box –Blakely’s Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and the habitat of the regent honeyeater, swift parrot and greater long-eared bat, the person taking the action must, within 12 months of the commencement of construction, submit to the Minister for approval a <i>mine site rehabilitation plan</i> for the progressive rehabilitation and revegetation of no less than 1665 ha of native forest and woodland (less the portion included in the biodiversity corridor identified in condition 3) in the project area including 544 ha using species consistent with a White Box—Yellow Box—Blakely’s Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community. This approved <i>mine site rehabilitation plan</i> must be implemented.</p>
Original dated 11/2/2013	<p>26. The person taking the action must:</p> <ul style="list-style-type: none"> a. rehabilitate the site to be consistent with the proposed rehabilitation strategy as provided in the Environmental Assessment and, as required under the NSW State Government approval dated 23 October 2012 (Application 10_0138); and b. not replace topsoil and sub soil layers at a depth less than the minimum depths determined through pre-stripping soil surveys as described in condition 27(c). <p>Note: the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) conditions require pre-stripping 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.</p>
As varied on the date this instrument is signed	<p>27. The <i>mine site rehabilitation plan</i> must include, at a minimum, the following information:</p> <ul style="list-style-type: none"> a. targets and performance indicators to achieve effective restoration of potential habitat for the regent honeyeater, swift parrot and greater long-eared bat and White Box—Yellow Box—Blakely’s Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community, including weed management;

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	<ul style="list-style-type: none"> b. details of the vegetation communities to be rehabilitated and the timing of progressive rehabilitation (commencing as soon as practicable following disturbance); c. detailed soil depth surveys and analysis to inform the effective placement and restoration of 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 type identified. Sampling must identify; type, depth, water holding capacity, structure and physio-chemical properties of each of the soil and subsoil layers; d. processes and methodologies for the removal, storage and re-layering of the topsoil and sub soil layers underlying the disturbed sites being prepared for rehabilitation. These processes and methodologies must ensure the replacement of topsoil and sub soil layers: <ul style="list-style-type: none"> i. meet the minimum depth requirements determined from sampling outcomes as identified in condition 27(c); and ii. replicate other existing soil parameters including, but not limited to, soil type, water holding capacity, structure and physio-chemical properties. e. a process to report annually to the department the rehabilitation management actions undertaken and the outcome of those actions, and the mechanisms to be used to identify the need for improved management; f. a description of the potential risks to successful management and rehabilitation on the project site, including weed invasion, and a description of the contingency measures that would be implemented to mitigate these risks; g. details of long-term management and protection of the mine site, including details of the commitment of funds to achieve this.
Original dated 11/2/2013	28. The <i>mine site rehabilitation plan</i> must be subject to an independent review by a qualified ecologist prior to being submitted to the Minister for approval. The findings of the independent review must be published on the proponent's website.
As varied on the date this instrument is signed	<p>Final Landform</p> <p>Note: for consistency, the person taking the action may develop a single <i>mine site rehabilitation plan</i> to align with the requirements, including timing of reporting, of the NSW State Government approval dated 23 October 2012 (Application 10_0138) and this approval. The Offset Management Plan and the Rehabilitation management Plan need to be aligned so as to achieve the biodiversity objectives of condition 29 for the rehabilitated mine-site.</p> <p>29. The person taking the action must undertake rehabilitation to ensure 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 critically endangered ecological community.</p>
Original dated 11/2/2013	<p>30. The person taking the action must undertake rehabilitation to ensure the final void and 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.</p> <p>Note: the State approval conditions for project 10_0138 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).</p>

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Original dated 11/2/2013	<p>Survey data</p> <p>31. 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 proponent 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.</p>
Original dated 11/2/2013	<p>32. In the event that any additional matters of national environmental significance are recorded within the project area and a significant impact on the matter/s is likely, the department must be notified in writing within 14 days of the matter/s being recorded. In accordance with condition 37, the Minister may request that the person taking the action revise any relevant plans to ensure better protection of the relevant matter/s.</p>
Original dated 11/2/2013	<p>Reporting and auditing</p> <p>33. Within 14 days after the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement of construction.</p>
Variation dated 24/03/2021	<p>34. By the end of March of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any approved management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.</p>
Original dated 11/2/2013	<p>35. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>
Variation dated 24/03/2021	<p>36. If the person taking the action wishes to carry out any activity otherwise than in accordance with the approved plans, as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that plan. The varied activity shall not commence until the Minister has approved the revised plan in writing. The Minister will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the Minister approves the revised plan that plan must be implemented in place of the plan originally approved.</p>
Variation dated 24/03/2021	<p>37. If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the Minister may request that the person taking the action make specified revisions to the approved management plan specified in the conditions and submit the revised plan for the Minister's written approval. The person taking the action must comply with any such request.</p> <p>The revised approved plan must be implemented. Unless the Minister has approved the revised plan then the person taking the action must continue to implement the originally approved plan, as specified in the conditions.</p>
Original dated 11/2/2013	<p>38. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>

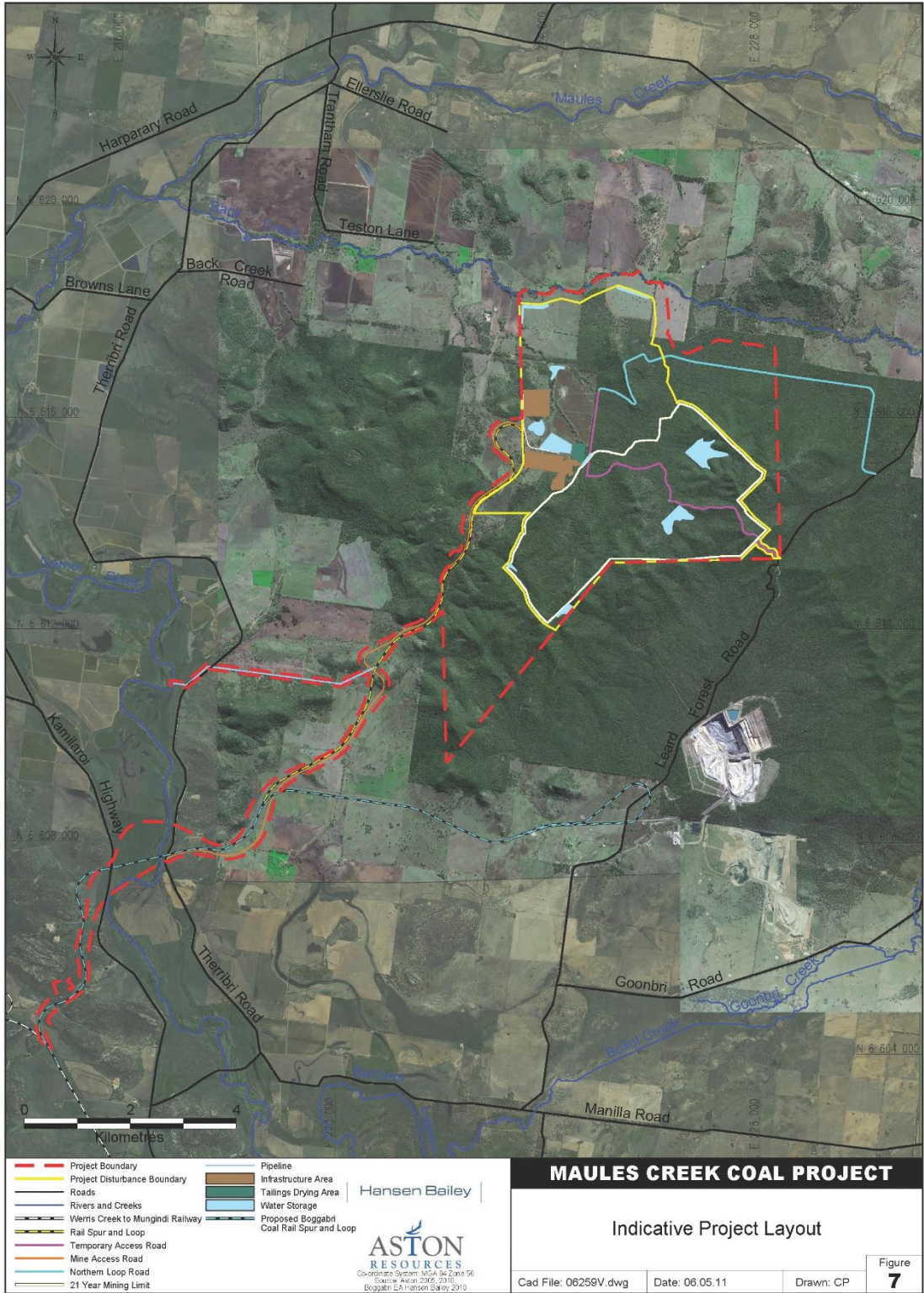
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Original dated 11/2/2013	<p>Publication of plans</p> <p>39. The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> or used to verify 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.</p>
Variation dated 24/03/2021	<p>40. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all approved 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 and remain published until the expiry of the approval.</p>

Date of decision	Definitions
As varied on the date this instrument is signed	<p>Additional independent review means a review of the report under condition 11A of this approval undertaken by a person(s) that:</p> <ol style="list-style-type: none"> a. does not have any individual, or by employment or family affiliation, conflicting or competing interests with the approval holder; the approval holder's staff, representatives or associated persons; or the project, including any personal, financial, business or employment relationship, other than receiving payment for undertaking the role for which the condition requires an independent expert; and b. has professional qualifications and at least three (3) years of work experience designing and implementing surveys for or managing or studying and preparing prescriptions for the management of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and flora species associated with habitat for the regent honeyeater, swift parrot and greater long-eared bat, and can give an authoritative assessment and advice on the presence and management requirements of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat using relevant protocols, standards, methods and/or literature.
Original dated 11/2/2013	<p>Biodiversity corridor – an area of native vegetation at least 250 m wide that has not been previously cleared for mining, which links the existing native vegetation to the east and west of the Maules Creek and Boggabri coal mine leases and is located within the Maules Creek coal mine lease where it is adjacent to the Boggabri coal mine lease boundary. The purpose is to ensure that a minimum 500 m wide native vegetation corridor is maintained between the Boggabri and Maules Creek mines and that any alternative corridor <i>provides equivalent or better ecosystem functionality (including habitat for the regent honeyeater, swift parrot and greater long-eared bat)</i>.</p>
As varied on the date this instrument is signed	<p>Business day means a day that is not a Saturday, Sunday or public holiday in the state or territory in which the action is taken.</p>
Original dated 11/2/2013	<p>Commencement of construction – the commencement of any activities within the project area which are included in this approval.</p>
As varied on the date this instrument is signed	<p>Condition class – One of three states in which the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community may exist, as defined within the Commonwealth listing advice for the listing of this ecological community as critically endangered under the EPBC Act.</p>

Date of decision	Definitions
Original dated 11/2/2013	Department - the Australian Government Department responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 11/2/2013	Environmental Assessment – The Maules Creek Coal Project Environmental Assessment July 2011, prepared by Hansen Bailey for Aston Coal 2 Pty Ltd, and submitted as part of the approval documents for the Maules Creek Coal Project.
As varied on the date this instrument is signed	<p>Equivalent or better quality means:</p> <p>a. for the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community:</p> <ul style="list-style-type: none"> i. offset areas meet the definition of the critically endangered ecological community described in the listing advice; and ii. offset areas are of an overall equivalent or better condition class than the areas of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland being cleared within the project area, based on the proportion of each condition class represented and other relevant ecological attributes. <p>b. for the threatened species:</p> <ul style="list-style-type: none"> i. the overall quality of the habitat within the offset areas, taking account of the ecological requirements for the relevant threatened species, is equivalent to or better than the areas of relevant habitat being cleared within the project area.
Original dated 11/2/2013	Habitat – areas in which a species or community is known to occur or is thought to have the potential to occur based on the biophysical conditions prevailing in the area and the ecological requirements of the species or community
Original dated 11/2/2013	Independent review – an investigation conducted by an independent expert ecologist who has been approved by the department.
Original dated 11/2/2013	Minister - the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister
Original dated 11/2/2013	Matters of national environmental significance – all matters listed under Part 3 of the EPBC Act
Variation dated 24/03/2021	Offset areas – Revoked
Original dated 11/2/2013	Offset attributes -means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
As varied on the date this instrument is signed	Project area – the area within the dashed red line identified as the 'Project Boundary' shown at <u>Attachment A</u> .
Original dated 11/2/2013	Shapefiles -means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.
Variation dated 24/03/2021	<p>State and Transition Model – Section 3.2 of <i>A Guide to Managing Box Gum Grassy Woodlands</i> (Caring for our Country Environmental Stewardship, 2010), depicts the different condition states (as reflected by disturbance, inputs and altered land use) in which a given vegetation can exist. This publication can be found at: https://openresearch-repository.anu.edu.au/bitstream/1885/65871/2/01_Rawlings_A_Guide_to_Managing_Box_Gum_2010.pdf</p>

Date of decision	Definitions
Original dated 11/2/2013	Substantially commence the action – means the extraction of coal from the Maules Creek Coal Mine Project for the purpose of commercial production. Substantial commencement does not include test extraction or extraction of coal samples for quality assurance.

Date of decision	Attachments
Original dated 11/2/2013	Attachment A – Indicative project layout (6/5/2011)
Variation dated 24/03/2021	Attachment B - Table B1 - Offset Properties Proposed in the Environmental Assessment



ATTACHMENT B**Table B1 Offset Properties Proposed in the Environmental Assessment**

Property	Size Property (ha)
Blue Range	748
Cattle Plain	284
Teston (nth)	292
Tralee	342
Wallandilly	1890
Warriahdool	1011
Mt Lindesay	2430
Wirradale	4321
Shared Property	884
Kelso	508
Louenville	459
Olivedeem	193
Teston (sht)	1273
Velyama	919