



MAULES CREEK

Document Owner:	Environmental Manager
Revision Period:	Yearly
Issue:	1
Last Revision Date:	27-03-2014
Date Printed:	28-03-2014

WHC_ENV_MC_EPBC COMPLIANCE AUDIT

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Revisions	Revision Description	Who Consulted	Date
1	EPBC Compliance Audit First 12 months	Daniel Martin, Craig Simmons, Brian Cole	March 2014

Approval	Name	Position	Signed	Date
Document Originator:	Daniel Martin	Environmental Mgr		27-03-14
Document Reviewer:	Craig Simmons	Area Manager Services		27-03-14
Authorised by:	Brian Cole	EGM - Project Delivery		28-03-14



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No	Condition	Compliance Status
	DISTURBANCE AREAS	
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 Attachment A of these conditions.	Complies
	<i>Comment: Ongoing for the life of the project</i>	
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 corbem</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.	Complies
	<i>Comment: Ongoing for the life of the project</i>	
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: <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>	Complies
	<i>Comment: Submitted May 2013.</i>	
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 by the NSW Trade & 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 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, 17, 25- 28 the Minister may require the person taking the action establish an additional bond or equivalent financial instrument in trust,	N/A



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	under conditions approved in writing by the Minister.	
	<i>Comment: Not required until October 2015</i>	
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.	N/A
	<i>Comment: Completed May 2013, approval by the Minister pending</i>	
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: <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 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 disturbance limits are to be reflected in the development of the Leard Forest Mining Precinct Biodiversity Strategy. 	Complies
	<i>Comment: Submitted March, 2014</i>	
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.	N/A
	<i>Comment: First review to be completed December 2018</i>	
8	The person taking the action must publish the analysis under condition 6 on their website.	Complies
	<i>Comment: Following approval</i>	
	DIRECT OFFSETS	
9	The person taking the action must register a legally binding conservation covenant over offset areas of no less than:	N/A



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	<p>a) 9,334 ha of an equivalent or better quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat; and</p> <p>b) 5,532 ha of an equivalent or better quality of the White Box-Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.</p> <p>Note: the 5,532 ha of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may be included within the 9,334 ha of offset area 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>	
	<i>Comment: See comment Condition 13</i>	
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 ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within all proposed offset areas including those proposed in the Environmental Assessment, as defined at Attachment C of these conditions, and any additional offsets as required at condition 9. Details of all independently verified offset areas must be submitted to the Minister for approval by 30 December 2013. The findings of the independent review must be published on the proponent's website.	Complies
	<p><i>Comment: Submitted December 2013.</i></p> <p><i>To be published following approval</i></p>	
11	If the independent review finds that the offset areas do not meet the requirements of conditions 9, 12 a and 12 b, then additional areas must be included in the offset areas until all relevant criteria under these conditions are met.	Complies
	<i>Comment: Submitted December, 2013</i>	
12	<p>The offset areas must be of an overall equivalent or better quality than the areas being cleared. This means:</p> <p>a) for White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, offset areas must meet the definition of the ecological community described in the listing advice, and must be of an overall equivalent or better condition class than the areas being cleared, based on the proportion of each condition class represented and other relevant ecological attributes;</p> <p>b) for the threatened species, the quality of the habitat for the species, taking account of its ecological requirements, must be equivalent to or better than the areas being cleared.</p>	Complies
	<i>Comment: Independent review submitted December, 2013.</i>	
13	The mechanism/s for registering a legally binding covenant must provide protection for the offset areas in perpetuity and be registered within 5	N/A



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	years of the date of this approval.	
	<i>Comment: Not required until February 2018</i>	
14	If the person taking the action proposes to undertake any action within areas secured under condition 9, other than those management activities related to managing the offset areas or as 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 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.	N/A
	<i>Comment: Has not occurred.</i>	
INDIRECT OFFSETS		
15	To compensate for the loss of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland 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 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.	N/A
	<i>Comment: Project Plan due January 2015</i>	
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 \$1,500,000 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 consistent with National Recovery Plans and as agreed with the relevant Recovery Planning Teams for the regent honeyeater, swift parrot and greater long-eared bat. A detailed project plan governing the timing of the \$1,500,000 funding for the activities and outcomes must be developed. The project plan must be submitted to the Minister for approval within 2 years of the date of this approval, or otherwise agreed in writing by the Minister. The approved project plan must be implemented.	N/A
	<i>Comment: Project Plan due January 2015</i>	
OFFSET MANAGEMENT PLANS		
17	The person taking the action must submit to the Minister for approval an Offset Management Plan for all of the offset areas, specified in condition	Complies



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	<p>9, within 12 months of the date of this approval. The approved Offset Management Plan must be implemented.</p> <p>Note: for consistency, the proponent 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>	
	<i>Comment: Biodiversity Management Plan submitted to the Minister February 2014</i>	
18	<p>The Offset Management Plan 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 shape files; 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: <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 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. c) clearly defined ecological management objectives for the offset areas; 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; e) details of ongoing ecological monitoring programs, performance criteria, targets and provisions for adaptive management, including but not limited to: <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 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 condition of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland 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 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 	Complies



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	<p>measures that would be implemented to mitigate against these risks;</p> <ul style="list-style-type: none"> 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. f) details of all parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor. 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. 	
	<i>Comment: Biodiversity Management Plan submitted to the Minister February 2014</i>	
19	Unless otherwise agreed to in writing by the department, the baseline surveys for threatened species must be conducted in accordance with the department's Survey 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, unless otherwise agreed to in writing by the department.	Complies
	<i>Comment: Baseline surveys conducted in accordance with Departments Guidelines.</i>	
	SURFACE AND GROUNDWATER MANAGEMENT PLANS	
20	The person taking the action must provide to the Minister for approval, the surface and groundwater management plans as identified in condition 36 of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138). The surface and groundwater management plans must be approved by the Minister prior to commencement of construction.	Complies
	<i>Comment: Water Management Plan provided to and approved by the Minister.</i>	
21	The surface and groundwater management plans must be consistent with the National Water Quality Management Strategy.	Complies
	<i>Comment: Water Management Plan approved by the Minister is consistent with the National Water Quality Management Strategy</i>	
22	<p>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 surface and groundwater management plans (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 c) trigger levels pertaining to drawdown in the alluvial aquifer when corrective actions will be required to be undertaken 	Complies



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	<ul style="list-style-type: none"> 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. 	
	<i>Comment: Strategy submitted with the Water Management Plan</i>	
23	<p>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 surface and groundwater management plans b) how the surface and groundwater management plans addressed groundwater and surface water impacts on matters of national environmental significance. 	Complies
	<i>Comment: Extension granted for a further 6 months on the Modelling, updated Modelling submitted February 2014. Water Management Plan addressed matters of national environmental significance</i>	
LEARD FOREST MINING PRECINCT REGIONAL BIODIVERSITY STRATEGY		
24	<p>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>	Complies
	<i>Comment: Scoping report provided June 2013.</i>	
MINE SITE REHABILITATION		
25	<p>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 the commencement of construction, submit to the Minister for approval a mine site rehabilitation plan 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 Ecological Community. This approved mine site rehabilitation plan must be implemented.</p>	N/A
	<i>Comment: Plan due prior December 2014</i>	



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26	<p>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 top soil 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>	N/A
<p><i>Comment: Pre-stripping soil surveys currently being undertaken.</i></p>		
27	<p>The mine site rehabilitation plan 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 ecological community, including weed management; 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 top soil and sub soil layers underlying the disturbed sites being prepared for rehabilitation. These processes and methodologies must ensure the replacement of top soil 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. <p>Note: for consistency, the person taking the action may develop a single mine rehabilitation plan 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 substantially</p>	N/A



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	integrated for achieving biodiversity objectives for the rehabilitated mine-site.	
	<i>Comment: Plan being developed</i>	
28	The mine site rehabilitation plan 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.	N/A
	<i>Comment: When the Plan is completed an independent review will be conducted.</i>	
FINAL LANDFORM		
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 ecological community.	N/A
	<i>Comment: Plans currently being developed</i>	
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. 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).	N/A
	<i>Comment: Condition will be considered when developing Final Void and Mine Closure Plan, required by the end December 2020</i>	
SURVEY DATA		
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.	N/A
	<i>Comment: Department has not formally made any requests for survey data.</i>	



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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.	Complies
	<i>Comment: Notification made March, 2014</i>	
REPORTING AND AUDITING		
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	Complies
	<i>Comment: Minister advised December 2013, that construction commenced December 2013</i>	
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 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.	Complies
	<p><i>Comment: Being this Compliance Audit</i></p> <p><u>Implementation of Management Plans under this Approval</u></p> <ul style="list-style-type: none"> • Water Management Plan has commenced during the 12 month period. • Biodiversity Management Plan was submitted for approval. 	
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.	N/A
	<i>Comment: No Audit has been requested</i>	
36	If the person taking the action wishes to carry out any activity otherwise than in accordance with the 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.	N/A



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	<i>Comment: Currently no plan requires resubmitting</i>	
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 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. 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.	N/A
	<i>Comment: No Action has been received.</i>	
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.	N/A
	<i>Comment: Construction commenced December 2013</i>	
PUBLICATION OF PLANS		
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 Environment Protection and Biodiversity Conservation Act 1999, 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.	Complies
	<i>Comment: All records are maintained and accurate for all activities to date. No requests have been received or audits undertaken.</i>	
40	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish 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.	Complies
	<i>Comment: Approved management plans are published on www.Whitehavencoal.com.au</i>	