

Tarrawonga Coal Mine EPBC 2011/5923
Statement of Compliance Report – March 2017

Condition Number	Condition	Compliance	Evidence
1	The person taking the action must not clear more than 13 hectares (ha) of the EPBC listed White Box – Yellow Box – Blakely’s Red Gum Grass Woodland and Derived Native Grassland critically endangered ecological community within the Tarrawonga Coal Extension project area , (as identified on Attachment A of the conditions)	Yes	The Disturbance Limit Assessment: Tarrawonga Coal Mine s3.1.3 – Disturbance limit assessment conclusion provides assessment of compliance.
2	The person taking the action must not clear more than: <ul style="list-style-type: none"> a. 279 ha of Habitat for the regent honeyeater b. 54ha of habitat for the swift parrot c. 334ha of habitat for the greater long-eared bat 	Yes	Disturbance Limit Assessment: Tarrawonga Coal Mine s3.2.4 – Disturbance limit assessment conclusion; s3.3.4 Disturbance limit assessment conclusion; s3.4.4 Disturbance limit assessment conclusion provides assessment of compliance.
3	The person taking the action must submit to the minister for approval within 6 months of the date of this variation to conditions of approval an approach that: <ul style="list-style-type: none"> a. Limits the maximum disturbance specified for each of the years 5, 10, 15 and 17 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 an 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) and the Maules Creek Project (EPBC2010/5566), in order to minimise progressive project area disturbance limits across all the three sites. The progressive limits are to be reflected in the development of the Leard Forest Mining Precinct Biodiversity Strategy 	Yes	Disturbance Limits Approach (DLA) submitted 1/7/2016 however has not yet been approved. A revision of the DLA is currently being undertaken at the request of the DoEE.

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4	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 17 as described in condition 3, unless otherwise approved by the Minister	Not yet applicable	TCM has not yet cleared up to the year 5 (2018) limit. DLA submitted however not yet approved.
5	The person taking the action must publish the analysis under condition 3 on their website.	Not yet applicable	The analysis required under condition 3(b) will be published on the Company website once the approach is approved by the Minister of Department of the Environment (DoEE).
6	The person taking the action must register a legally binding conservation covenant over offset areas of no less than: <ul style="list-style-type: none"> a. 1055ha of an equivalent or better quality of habitat for the regent honeyeater b. 397ha of an equivalent or better quality of habitat for the swift parrot c. 1355ha of an equivalent or better quality of habitat for the greater long-eared bat; and d. 232ha of an equivalent or better quality of the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community 	Not yet applicable	Required by 11/03/2018. Discussions are ongoing with relevant State Departments regarding establishment of conservation covenant(s) within the required timeframe.
7	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 and any additional offsets as required at condition 8. Details of all independently verified offset areas must be submitted to the Minister for approval by 31 January 2014. The findings of the independent review must be published on the proponent's website.	Partial	Review submitted 05/12/2013. The findings of the review will be published on the Company website once approved by the Minister of DotE.
8	If the independent review finds that the offset areas do not meet the requirements of conditions 6, 7 and 9 then additional areas must be included in the offset areas until all relevant criteria under these conditions are met.	Not applicable	Independent review determined that offset areas meet requirements of conditions 6, 7 and 9.



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9	<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>	Yes	Independent review determined that offset areas met condition 9.
10	<p>The mechanism/s for registering a legally binding covenant must provide protection for the offset areas in perpetuity and be registered within 5 years of the date of this approval. Evidence of registration must be provided to the Department within one month of registration of each legally binding covenant.</p>	Not yet applicable	<p>Required by 11/03/2018</p> <p>Discussions are ongoing with relevant State Departments regarding establishment of conservation covenant(s) within the required timeframe.</p>
11	<p>If the person taking the action proposes to undertake any action within areas secured under condition 6, other than those management activities related to managing the offset areas or as set out in the conditions of 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.</p>	Not yet applicable	No actions other than those management activities related to managing the offset areas, or as set out in the conditions of approval, have been undertaken.
12	<p>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 6, within 12 months of the date of this approval. The approved Offset management plan must be implemented.</p>	Yes	<p>Submitted for approval 7/03/2014.</p> <p>Offset Management Plan incorporated into Biodiversity Management Plan submitted to NSW DP&E for approval in June 2015.</p>

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13	<p>13. 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 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: <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 	Yes	<p>Submitted Offset Management Plan meets this condition.</p> <p>Offset Management Plan incorporated into Biodiversity Management Plan submitted to NSW DP&E for approval in June 2015.</p>

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	<p>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;</p> <p>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;</p> <p>iv. measures to exclude weeds from all offset areas for the period covered by this approval;</p> <p>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> <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> <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>		
14	<p>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.</p>	Not yet applicable	<p>Commencement of threatened species monitoring is dependent upon Department of Environment (DoE) approval of the Offset Management Plan.</p> <p>Offset Management Plan incorporated into Biodiversity Management Plan submitted to NSW DP&E for approval in June 2015.</p>

Condition Number	Condition	Compliance	Evidence
15	The person taking the action must provide the <i>Surface and Groundwater Management Plans</i> , as identified in condition 39 of the NSW State Government Project Approval dated 22 January 2013 (application number 11_0047), to the Minister for approval within one month of their approval by the NSW state government. The approved plans must be implemented.	Not yet applicable	The Water Management Plan required by condition 39 of the NSW State Government Project Approval was submitted to DP&E 30/09/2015, and is yet to be approved at State Level.
16	The surface and groundwater management plans must be consistent with the National Water Quality Management Strategy.	Not yet applicable	The WMP required under condition 39 of the NSW PA 11_0047 will be consistent with the National Water Quality Management Strategy.
17	<p>The person taking the action must include with the <i>Surface Water and Groundwater Management Plans</i> (submitted for approval by the Minister as per condition 15) written advice demonstrating how the plans address the cumulative impact of groundwater drawdown as a result of mining and this may impact on the consequent health of the remnant native vegetation in the Leard State Forest, the Leard State Forest Conservation Area and surrounding areas. The advice must be developed in collaboration with the person taking the action to develop the Boggabri Coal Mine Extension (EPBC 2009/5256) and the Maules Creek Coal (EPBC 2010/5566). The advice must address the following matters:</p> <ol 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; d. Identify the depth of the 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. 	Partial	<p>The Boggabri/Tarrawonga/Maules (BTM) water management strategy, that addresses the cumulative surface and groundwater impacts of the BTM complex, was submitted before the end of May 2013 in accordance with State condition, and is currently with the BTM mines for review and resubmission to DP&E for approval..</p> <p>Condition 17 can only be met once the BTM water management strategy has been approved.</p>

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18	<p>The person taking the action must within 30 days of receiving a written request from 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. 	Not Applicable	No written request received from the Minister.
19	<p>The person taking the action must provide to the Minister for approval, before commencement of the construction of the permanent Goonbri Creek alignment, permanent flood bund and low permeability barrier, a <i>Goonbri Creek Diversion and Flood Bund Concept Design Plan</i>. No construction activities in relation to the permanent Goonbri Creek alignment, permanent flood bund and/or low permeability barrier can commence until the <i>Goonbri Creek Diversion and Flood Bund Concept Design Plan</i> has been approved by the Minister. The approved plan must be implemented.</p>	Not yet applicable	Construction of the permanent Goonbri creek alignment, permanent flood bund and low permeability barrier has not commenced.
20	<p>The Goonbri Creek Diversion and Flood Bund Concept Design Plan must include:</p> <ul style="list-style-type: none"> a. an assessment of the surface water and groundwater quality, ecology, hydrological and geomorphic baseline conditions within the creek; b. a description of how restoration of the re-aligned riparian zone will be undertaken to best replicate the habitat of the existing creek, including plant species and fauna habitat features; c. water quality, ecology, hydrological and geomorphic performance and completion criteria for the creek diversion and low permeability barrier based on the assessment of the baseline conditions identified in condition 20 (a); and d. a risk assessment of the environmental consequences of the proposed low permeability barrier and the proposed Goonbri Creek realignment including the potential for impacts on groundwater and surface discharge. The risk assessment must be peer-reviewed. e. details for ongoing monitoring and management of downstream impacts on the adjacent floodplains and Namoi River floodplain. 	Not yet applicable	Construction of the permanent Goonbri creek alignment, permanent flood bund and low permeability barrier has not commenced.

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21	The person taking the action must ensure that dispersed waters downstream of the Goonbri Creek re-alignment do not adversely affect the downstream environment and avoid any impacts on matters of national environmental significance.	Not yet applicable	Construction of the permanent Goonbri creek alignment has not commenced.
22	The person taking the action must implement the regional biodiversity strategy as required under condition 41 of the NSW state government project approval dated 22 January 2013 (application number 11_0047). 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.	Yes	Scoping report submitted to DP&E in 2013. DP&E redeveloped Stage 1 has been approved. Stage 2 is currently under review by DP&E.
23	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 six months of the date of this variation to conditions of approval, submit to the Minister for approval a mine site rehabilitation plan for the progressive rehabilitation and revegetation of no less than 752 ha of native forest and woodland in the project area including 13 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.	Not yet applicable	Mine Site Rehabilitation Management Plan submitted to DoEE 15/4/2016
24	The person taking the action must 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 22 January 2013 (Application 11_0047).	Yes	Rehabilitation of site undertaken in accordance with Mining Operations Plan.

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25	<p>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 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 as provided in the Environment Assessment. 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. 	Yes	Mine Site Rehabilitation Management Plan submitted to DoEE 15/4/2016
26	<p>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 <i>independent review</i> must be published on the proponent's website.</p>	Yes	Mine Site Rehabilitation Management Plan submitted to DoEE 15/4/2016

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27	The person taking the action is required to submit a Conservation and Biodiversity Bond under condition 49 of the New South Wales state government project approval dated 22 January 2013 (application 11_0047). It is noted that this bond may be combined with the rehabilitation security deposit as required under the New South Wales Mining Act 1992. The person taking the action must submit details of this bond and the rehabilitation security deposit, to the Minister , within one month of lodgement of the Bond and Deposit with the NSW state government. If the Minister is not satisfied that the bond and rehabilitation security deposit lodged by the person taking the action is adequate to provide for the requirements referred to under conditions 19, 20, 22, 23 and 24, the Minister may require the person taking the action establish an additional bond or equivalent financial instrument in trust, under conditions approved in writing by the Minister .	Not yet applicable	Condition 49 will become applicable within a set period of time from the approval date of the State Biodiversity Management Plan.
28	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.	Yes	The requirements of this condition has been addressed in the Mine Site Rehabilitation Management Plan.
29	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.	Not yet applicable	The Mine Site Rehabilitation Management Plan and the Mining Operations Plan address these potential issues.

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30	<p>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> <p>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 36, the Minister may request that the person taking the action revise any relevant plans to ensure better protection of the relevant matter/s.</p>	Yes	No request made to date.
31	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.	Yes	Notification sent 26 th March 2014 advising that construction commenced 12 th March 2014
32	Within three months of every month anniversary of Commencement of Construction , 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. Documentary evidence providing proof of the date of publication and non-compliance with any 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 continue to comply with this condition until such time as approved in writing by the Minister.	Yes	Report published 9/06/2017
33	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.	Not yet applicable	No direction received to date

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34	<p>The person taking the action may choose to revise a management plan approved by the Minister under conditions 12, 15, 19 or 23 without submitting it for approval under the section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new of increased impact. If the person taking the action makes this choice they must:</p> <ol style="list-style-type: none"> a. Notify the Department in writing that the approved plan has been revised and provide the Department with an electronic copy of the revised plan; b. Implement the revised plan from the date that the plan is submitted to the Department; and c. For the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a new or increased impact. 	Not yet applicable	No plans have been revised under this condition.
34A	<p>The person taking the action may revoke their choice under condition 34 at any time by notice to the Department. If the person taking the action revokes the choice to implement a revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p>	Not yet applicable	No plans have been revised under condition 34.
34B	<p>If the Minister gives notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan would likely to have a new or increased impact, then:</p> <ol style="list-style-type: none"> a. Condition 34 does not apply, or ceases to apply, in relation to the revised plan; and b. The person taking the action must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 34 and 34A in the period before the day the notice is given.</p> <p>At the time of giving notice the Minister may also notify that a specified period of time that condition 34 does not apply for one or more specified plans requires approval under the condition.</p>	Not yet applicable	No plans have been revised under condition 34.



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34C	Conditions 34, 34A and 34B are not intended to limit operation of section 134A of the EPBC Act which allows the person taking the action to submit a revised plan to the Minister for approval.	Note	
35	<p>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.</p> <p>The person taking the action must comply with any such request. The revised approved plans 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>	Not applicable	No request received to date.
36	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.	Not applicable	Construction commenced 12 th March 2014.
37	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.	Yes	No request received to date. Information available.
38	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.	Not yet applicable	Management plans yet to be approved.