

**Werris Creek Coal
EPBC 2010/5571 Compliance Report - March 2013**

Condition Number	Condition	Compliance	Evidence
1.	<p>To offset the impact to the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community and foraging habitat of the Regent Honeyeater and Swift Parrot the person taking the action must register a legally binding conservation mechanism over the Werris Creek Life of Mine (LOM) Extension Project Biodiversity Offset Strategy (BOS) sites identified in the map at Appendix 1 and an additional area of at least 74 hectares of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community (together, the Offset Areas). The mechanism/s must provide enduring protection for the offset area and be registered within 2 years of the date of this approval.</p>	Yes	<p>Draft NSW Conveyancing Act 1919 Section 88E Instruments submitted to NSW Department of Planning and Infrastructure for review. WCC has consulted with SEWPaC and in correspondence dated 4th April 2012, SEWPaC would consider Section 88E as a legally binding mechanism acceptable for the protection of the offset property.</p>
2.	<p>To offset the impacts to the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, Regent Honeyeater and Swift Parrot, the person taking the action must submit to the Minister for approval an Offset Management Plan for all of the Offset Areas within 12 months of the date of this approval. The Offset Management Plan must be implemented.</p> <p>The Offset Management Plan must include, at a minimum, the following information:</p> <ol style="list-style-type: none"> a. a textual description and map to clearly define the location and boundaries of all of the Offset Areas. This must be accompanied with the offset attributes and a shapefile. b. details of management actions to protect and enhance the extent and condition of habitat values of the offset site, including, but not limited to rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and any restrictions on access of no less than: <ol style="list-style-type: none"> i. 310.2 hectares of habitat for the Regent Honeyeater and Swift Parrot; and ii. 731 hectares White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community; c. the timing, responsibilities and performance criteria for management actions; d. a monitoring plan including the undertaking of ecological surveys by a 	Yes	<p>Draft Werris Creek Coal Biodiversity and Offset Management Plan submitted on 27th June 2012 to the Environment Assessment Branch with SEWPaC responding on 14th September 2012. A revised Werris Creek Coal Biodiversity and Offset Management Plan is being prepared incorporating all comments from SEWPaC, NSW Department of Planning and Infrastructure and NSW Office of Environment and Heritage. All applicable information associated with this condition is included within the plan.</p>

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	<p>qualified ecologist, to assess the success of the management actions measured against identified milestones and objectives;</p> <p>e. a process to report, to the department, the progress of management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management and actions to undertake such improvements;</p> <p>f. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>g. details of parties responsible for management, monitoring and otherwise implementing the plan, including their position or status as a separate contractor.</p>		
3.	<p>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>	Yes	<p>Letter dated 23rd December 2011 sent to Environment Assessment Branch of SEWPaC notifying the commencement of construction on 23rd December 2011.</p>
4.	<p>Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.</p>	Yes	<p>This document. See website http://www.whitehavencoal.com.au/operations/werris_creek_mine_environmental_management.cfm for published report. Documented evidence of the date of publication on the website issued to SEWPaC with hard copy of this report.</p>
5.	<p>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>	Not Yet Applicable	<p>No direction received to date.</p>
6.	<p>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</p>	Not	<p>No change to any activities outlined Draft</p>



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	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.	Applicable	Werris Creek Coal Biodiversity and Offset Management Plan.
7.	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.	Not Yet Applicable	No requests received to date.
8.	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	Action commenced 23 rd December 2011.
9.	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.	Not Yet Applicable	Records to be maintained of all activities in accordance with the approved management plan.
10	Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, 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.	Not Yet Applicable	Records to be maintained of all activities in accordance with the approved management plan.
11.	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 Plan submitted on 27 th June 2012, awaiting approval for subsequent publication on website.