



29th August 2011

David Kitto
Director – Mining and Industry Projects
Department of Planning and Infrastructure
GPO Box 39
23-33 Bridge Street
Sydney NSW 2001

Attention: Colin Phillips

Dear David,

**Werris Creek Coal
Independent Audit of the Biodiversity Offset Management Plan**

Werris Creek Coal Pty Ltd (WCC) has enclosed a copy of the “Independent Environmental Audit – Biodiversity Offset Management Plan” for Werris Creek Coal dated August 2011 prepared by AECOM as the approved auditors in correspondence from the Department dated 6th July 2011.

The Independent Audit of the Biodiversity Offset Management Plan was undertaken in accordance with Schedule 4 Condition 42 of DA 174-7-2004 MOD5 prior to the 31st August 2011. The Audit identified three non-compliances with the commitments made in the “Biodiversity Offset Strategy and Management Plan” dated 20th October 2010 prepared by Eco Logical Australia. The three non-compliances relate to pest control commitments and the Audit Action Plan for these non-compliances is outlined below:

| Section | Requirement | Audit Finding | Recommendation | Due Date |
|---------|--|--|--|---|
| 4.14 | Feral Cats will be controlled opportunistically when observed (i.e. Shooting by person with firearms licence using high powered calibre rifle as humanely as possible e.g. single shot to head). | The Biodiversity Offset Area Monitoring Report Spring 2010 (Eco Logical 2010) recorded a single feral cat, but there was no record indicating if action was undertaken in response. In the absence of targets and action triggers, the presence of a single animal may not warrant a control response, though the BOMP wording indicates control by shooting will be implemented, the requirement is worthy of future clarification. | It is recommended that triggers and targets for feral cat control be established within the BOMP that are related to a management outcome. | Update in the revised BOMP as per the due date in the WCC Life Of Mine Project Approval 10_0059 |

| Section | Requirement | Audit Finding | Recommendation | Due Date |
|-------------|---|--|---|---|
| 4.14 | Fox control through baiting program across BOA twice/year (autumn and spring). Use 1080 poison baits. | BOA Annual Review (30 March 2011) identified hares and foxes to be added to control program for 2011-12. BOA Monitoring Report Spring 2010 also recommended fumigation of stag tree currently acting as a fox den. | It is recommended that triggers and targets for fox control be established within the BOMP that are related to a management outcome. | Update in the revised BOMP as per the due date in the WCC Life Of Mine Project Approval 10_0059 |
| 5, Table 11 | Rabbit control undertaken annually in summer. | No feral animal control programs have been implemented. This requirement also appears to conflict with the requirements in section 4.13.1. | It is recommended that triggers and targets for rabbit control be established within the BOMP that are related to a management outcome (e.g. successful regeneration of natives within offset area). It is recommended that the conflict between this section and section 4.13.1 be resolved. | Update in the revised BOMP as per the due date in the WCC Life Of Mine Project Approval 10_0059 |

The Audit Report also makes a number of other recommendations for minor revisions to the existing BOMP. WCC accept all recommendations made by AECOM and commit to updating the revised BOMP required under the WCC Life Of Mine Project Approval 10_0059 with these recommendations by the due date specified in the approval.

Please do not hesitate to contact myself on 0488497701 to discuss the Independent Audit of the Biodiversity Offset Management Plan.

Yours sincerely,

Whitehaven Coal Mining Pty Ltd



Andrew Wright

Environmental Officer