



Bulli Seam Operations Annual Compliance Report – August 2017 (EPBC 2010/5350)

Date of submission: 10 August 2017

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Abbreviations:

DOE – Federal Department of the Environment (Now DOTEE)

DOTEE – Federal Department of the Environment & Energy

DOPE – NSW Department of Planning and the Environment

OEH – NSW Office of Environment and Heritage

CCL – Consolidated Coal Lease

UOW – University of Wollongong

EPBC – Environment Protection and Biodiversity Conservation

ACARP – Australian Coal Association Research Program

In accordance with condition 14 of the EPBC approval (2010/5350) within three months of every 12 month anniversary of the commencement of the action, 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.

Condition	Condition Summary	Status	Compliant Y/N
1	<u>Persoonia Hirsuta</u> Provide proposed <i>Persoonia hirsuta</i> offset area for approval.	Proposed offset area submitted to DOE in the <i>Persoonia hirsuta</i> Offset Management Plan. Application submitted on 26 Nov 2013 to amend CCL724 via a s238 Condition under the Mining Act 1992 to legally secure a <i>Persoonia</i> Offset Area at West Cliff Mine as required by our Bulli Seam Operations EPBC Approval (2010/5350). The Minister for Resources and Energy amended CCL 724 on 23 March 2014.	Yes



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2	<p><u>Persoonia Hirsuta</u></p> <p>Develop a management plan for the <i>Persoonia hirsuta</i> offset area.</p>	<p>Persoonia management plan was submitted to DOE prior to the 31st December 2012 and approved on 22 November 2013 (ref 2013/10882). Plan has since been reviewed and was approved in April 2016. Plan is available on our website. http://www.south32.net/getmedia/3d05a2ab-2694-4d0a-af4e-dc194ce6ef24/South32Web.</p> <p>Persoonia hirsuta Condition Reports submitted as required in 2013, 2014, 2015 (submitted late) and 2016.</p>	<p>Yes - 2015</p> <p>Persoonia Condition Report submitted late.</p>
3	<p><u>Persoonia Hirsuta</u></p> <p>Engage a suitably qualified expert to undertake targeted research to inform conservation activities. Make research publicly available.</p>	<p>University of Wollongong have been engaged to conduct research. The 'targeted' research consists of a series of honours projects and research undertaken by Mt Annan Royal Botanic Gardens.</p> <p>The following UOW projects have been completed to date:</p> <ol style="list-style-type: none"> 1. Honours project #1 titled <i>The Demography and Habitat Characteristics of the Endangered Persoonia hirsuta</i> (completed 2013) 2. Honours project #2 titled <i>Conservation genetics of the rare and endangered plant, Persoonia hirsuta (proteaceae)</i> (completed 2015) 3. Honours Project #3 (Continuation of #2) titled <i>Can the seed bank act as a reservoir of genetic diversity? A Conservation genetic study of Persoonia hirsuta</i> (Completed 2016). <p>UOW will publish the outcomes from this work. We expect the final paper/s to be available late 2017.</p> <p>In addition, Mt Annan Royal Botanic Gardens (RBG) are undertaking trial propagation using cuttings collected from the West Cliff and other populations. The aim is to develop a population of stock plants at the nursery, which will be used to collect seed for germination trials and translocation. This project is ongoing; progress has been slow due to the overall success rate for this species</p>	<p>Yes</p>



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		<p>being very low.</p> <p>Mt Annan RBG (in collaboration with Illawarra Coal and Centennial Coal) has been granted ACARP funding to conduct research on seed germination biology and alternative ex situ storage of <i>Persoonia</i> germplasm for restoration. This project will address two main questions: 1) how to effectively propagate <i>Persoonia</i> species (both rare and common) for mine rehabilitation work; and, 2) what are the most appropriate ex situ conservation options to ensure restoration success. The project commenced February 2015 and completed in March 2017. This project was granted further funding in 2016 and will be extended for two years (conclude 2019) to include high interest native plants in mine site restoration programs and propagation, translocation and re-introduction of plants for the establishment of offset populations.</p> <p>IC requested an extension to the research report deadline to 15 May 2019. The extension was granted on 15th May 2017.</p>	
4	<p><u>Shale/Sandstone Transition Forest</u></p> <p>Conduct an ecological survey that demonstrates quality and extent of proposed offset area.</p> <p>Setup mechanism to protect the shale/sandstone transition forest offset in perpetuity.</p>	<p>In 2012, IC provided an offset management plan as well as ecological survey information to comply with these conditions. The plan was approved by the Department of the Environment (DOTE) in June 2013. In 2014, IC requested an extension to the deadline to have the offset secured in perpetuity. DOTE granted an additional 18 months, making the deadline March 2016.</p> <p>In October 2015, IC made an application to NSW Office of Environment & Heritage (OEH) to have the SSTF offset secured via a BioBanking Agreement under Part 7A Division 2 of the <i>Threatened Species Conservation Act 1995</i>. The BioBanking Agreement was finalised and executed on 1st February 2017.</p>	Yes
5	<p><u>Shale/Sandstone Transition Forest</u></p> <p>Develop a management plan for shale/sandstone</p>	<p>Management plan submitted and approved on 7th June 2013. The revised Plan was updated and approved on 2nd September 2014. The 2014 version is</p>	Yes



Condition	Condition Summary	Status	Compliant Y/N
	transition forest.	<p>available on our website. http://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents</p> <p>The Management Plan will be updated in 2017 and re-submitted to the Department to reflect the new offset mechanism (BioBanking).</p> <p>The 2016 SSTF monitoring was conducted in November 2016 and the monitoring report submitted to DOEE on 23 March 2017.</p>	
6	<p><u>Coal Wash Emplacement Staging and Rehabilitation Plan</u></p> <p>Develop a Coal Wash Emplacement Staging and Rehabilitation Plan for stage 4 coal wash emplacement area.</p>	<p>The West Cliff Coal Wash Emplacement Area Management Plan (available on our website) incorporates the requirements of both the EPBC Act approval and NSW EP&A Act. Whilst the Plan is currently approved by the Minister administering the EP&A Act, it has not yet been approved under the EPBC Act given that Stage 4 emplacement operations are at least 10 years away.</p>	Yes
7	<p><u>Southern Brown Bandicoot and Broad Headed Snake Management Plan or Plans</u></p> <p>Develop a Southern Brown Bandicoot and Broad Headed Snake conservation management plan or plans.</p>	<p>Draft Plans completed and submitted to DOE on the 15th May 2013.</p> <p>Plans revised following comments from DOE and OEH. Final Plans re-submitted to DOE and OEH on 29 April 2014. Plans approved on the 28 May 2014. Plans are available on our website. http://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents</p> <p>Both Plans have been updated and are currently under review by DOTEE.</p>	Yes
8	<p><u>Surface and Ground Water Quality Monitoring and Adaptive Management Plan</u></p> <p>Develop a Surface and Ground Water Quality Monitoring and Adaptive Management Plan for species listed in the EPBC Act.</p>	<p>Original Plan submitted on the 30th September 2012 to DOE. Plan was approved on 3 July 2014. http://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents</p> <p>The Plan was revised and submitted to DOTEE on 29th June 2017; however, the new Plan has not yet been approved.</p>	Yes
9	<p><u>Mine Closure Environmental Management Plan</u></p> <p>Develop a mine closure plan 3 years prior to closure for</p>	<p>Current mining plan is for next 30 years, therefore plan not required.</p>	Yes



Condition	Condition Summary	Status	Compliant Y/N
	EPBC Act listed species.		
10	<u>Mine Closure Environmental Management Plan</u> Management for EPBC listed bats through the decommissioning of mining equipment.	Plan not yet submitted. To be submitted in the mine closure plan.	Yes
11	<u>Shapefiles</u> Provide offset area shapefiles to the DOE.	Shapefiles provided on 26 November 2013.	Yes
12	<u>Notification of Actual Date of Commencement</u> Notification date of commencement to be supplied to DSEWPaC.	Letter sent to DOE 31 May 2012.	Yes
13	<u>Publication Requirements</u> publish all management plans, reports, strategies or agreements with DSEWPaC	Undertaken as required. See website. http://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents	Yes
14	<u>Compliance Report</u> Publish a report on website addressing compliance with each of the conditions of this approval.	This compliance report meets this condition. The 2013, 14, 15 and 16 reports were submitted and are available on our website. The 2013 compliance report was submitted five days after the due date required by the condition. This was found to be non-compliant due to late submission of the compliance report. All other reports have been submitted on time.	Yes – See comments regarding the 2013 report.
15	<u>Accurate Records Must be Maintained</u> Maintain accurate records substantiating all activities associated with or relevant to the conditions of approval.	Documents are maintained in the Illawarra Coal controlled document registers.	Yes
16	<u>Minister's Approval of the Modification to a Management Plan, Report, Strategy or Agreement</u> Apply to the minister for approval to modify management	Undertaken as required.	Yes



Condition	Condition Summary	Status	Compliant Y/N
	plans, reports, strategies or agreements.		
17	<p><u>Minister's Modification to a Management Plan, Report, Strategy or Agreement</u></p> <p>Comply with the minister's request to modify management plans, reports, strategies or agreements.</p>	No requests received from the minister.	Yes
18	<p><u>Independent Auditor</u></p> <p>Commission and pay the full cost for independent environmental auditor of the project.</p>	<p>Independent Environmental Audit was conducted by ERM. The Audit commenced January and completed February 2017; the report was provided to Illawarra Coal on 22nd March 2017. A copy of the report was provided to DOTEE on 22 March 2017 to satisfy Condition 18 (g).</p> <p>EPBC condition (2) was found to be administratively non-compliant as one of the Annual Personia condition-monitoring reports was submitted late (2015 report).</p> <p>EPBC condition (14) was previously found to be non-compliant in the 2013 Independent Environmental Audit due to late submission of the 2013 compliance report (5 days late).</p> <p>This most recent report t is available on the South32 website.</p> <p>https://www.south32.net/what-we-do/places-we-work/illawarra-metallurgical-coal/documents</p>	Yes
19	<p><u>Unsatisfactory Commencement of Action</u></p> <p>If work has not commenced within 5 years of approval, written approval needs to be obtained from the minister.</p>	Work commenced 15 th May 2012 as per date of commencement letter sent to Department of the Environment.	Yes