



## Bulli Seam Operations Annual Compliance Report – August 2016 (EPBC 2010/5350)

**Date of submission:** 11 August 2016

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Abbreviations:

DOE – Federal Department of the Environment

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

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 off-set 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
2	<u>Persoonia Hirsuta</u> Develop a management plan for the <i>Persoonia hirsuta</i> offset area.	<i>Persoonia</i> management plan was submitted to DOE prior to the 31 <sup>st</sup> December 2012 and approved on 22 November 2013 (ref 2013/10882). Plan has since been reviewed and was approved in April 2016. Latest Plan is available on our website. <a href="http://www.south32.net/getmedia/3d05a2ab-2694-4d0a-af4e-">http://www.south32.net/getmedia/3d05a2ab-2694-4d0a-af4e-</a>	Yes



		<a href="#">dc194ce6ef24/South32Web</a>	
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.</p> <p>The following projects have been completed to date:</p> <ol style="list-style-type: none"> <li>1. Honours project #1 titled <i>The Demography and Habitat Characteristics of the Endangered Persoonia hirsuta</i> (submitted 2013)</li> <li>2. Honours project #2 titled <i>Conservation genetics of the rare and endangered plant, Persoonia hirsuta (proteaceae)</i> (submitted 2015)</li> </ol> <p>UOW commenced a third project in November 2015 to build on the research conducted under Project #2. This thesis will be titled <i>Understanding the Mating System</i> and will be completed October 2016.</p> <p>In addition, Mt Annan Royal Botanic Gardens (RBG) are undertaking trial propagation using cuttings collected from the West Cliff and other populations. This project is ongoing; one <i>P. hirsuta</i> has been successfully propagated vegetatively to date. MT Annan RBG has also collected seed from the West Cliff population and undertook seed viability tests.</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 is expected to be completed in March 2017.</p>	Yes
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>Ecological survey completed and submitted to DOE on the quality and extent of the shale/sandstone transition forest.</p> <p>IC submitted a request to extend time to secure the SSTF area for conservation.</p> <p>Illawarra Coal submitted an application to establish a Biobank site across the SSTF Offset area. A Bio-banking Assessment Report (BAR) was submitted to OEH in late 2015. Illawarra Coal is currently working through the final stages of the Bio-banking agreement with OEH to gazette the area under the bio-banking scheme in perpetuity. This is expected to be completed by September 2016.</p>	Yes
5	<p><u>Shale/Sandstone Transition Forest</u></p>	<p>Management plan completed and submitted to DOE and approved by DOE. Plan</p>	Yes



	Develop a management plan for shale/sandstone transition forest.	is available on our website. <a href="http://www.south32.net/getmedia/1a46f0b7-4d45-4249-b540-2b7905a7b1ff/South32Web">http://www.south32.net/getmedia/1a46f0b7-4d45-4249-b540-2b7905a7b1ff/South32Web</a> During the 2015 period, Illawarra coal undertook ecological surveys to support the Bio-banking Assessment Report which was submitted to OEH to secure the offset in perpetuity and support the ongoing conservation management through the NSW Bio-banking scheme. It is anticipated that this agreement will change the current Plan for Management of the area. Once the agreement is finalised, Illawarra Coal will submit evidence of agreement and the Bio-banking Management Plan to The Department.	
6	<u>Coal Wash Emplacement Staging and Rehabilitation Plan</u> Develop a Coal Wash Emplacement Staging and Rehabilitation Plan for stage 4 coal wash emplacement area.	Emplacement management plan incorporates staging and rehabilitation for stage 4 coal wash emplacement area. Plan submitted 30 <sup>th</sup> June 2013. Plan revised following feedback from OEH and DOPE; Plan re-submitted to DOPE and approved on 25 July 2014.. Plan re-submitted to DOE for subsequent approval on 28 July 2014. Still awaiting approval from DOE. Plan is currently under review by South32 - Revised Plan will be re-submitted for approval in 2016.	Yes
7	<u>Southern Brown Bandicoot and Broad Headed Snake Management Plan or Plans</u> Develop a Southern Brown Bandicoot and Broad Headed Snake conservation management plan or plans.	Draft Plans completed and submitted to DOE on the 15 <sup>th</sup> May 2013. 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. SBB - <a href="http://www.south32.net/getmedia/f28c8dce-799d-452d-ac2a-068dc51c0a0d/South32Web">http://www.south32.net/getmedia/f28c8dce-799d-452d-ac2a-068dc51c0a0d/South32Web</a> BHS - <a href="http://www.south32.net/getmedia/24df3027-ee85-4ec0-88e8-2a922361370e/South32Web">http://www.south32.net/getmedia/24df3027-ee85-4ec0-88e8-2a922361370e/South32Web</a> Both Plans are currently under review by South32 - Revised Plans will be re-submitted for approval in 2016.	Yes
8	<u>Surface and Ground Water Quality Monitoring and Adaptive Management Plan</u> Develop a Surface and Ground Water Quality Monitoring and Adaptive Management Plan for species listed in the EPBC Act.	Draft Plan completed and submitted on the 30 <sup>th</sup> September 2012 to DOE. Plan revised following comments from DOE. Final Plan approved on 3 July 2014. <a href="http://www.south32.net/getmedia/4acb4c95-fc41-46e8-95e3-5ebe291d5434/South32Web">http://www.south32.net/getmedia/4acb4c95-fc41-46e8-95e3-5ebe291d5434/South32Web</a> Plan is currently under review by South32 - Revised Plan will be re-submitted for approval in 2016.	Yes
9	<u>Mine Closure Environmental Management Plan</u>	Current mining plan is for next 30 years, therefore plan not required.	Yes



	Develop a mine closure plan 3 years prior to closure for 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. <a href="http://www.south32.net/our-operations/australia/illawarra-coal/regulatory-document">http://www.south32.net/our-operations/australia/illawarra-coal/regulatory-document</a>	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 compliance report was submitted; however, the date was 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. The 2014 report was uploaded to the website on 15 August 2014. The 2015 report was sent to the South32 corporate office on 15 <sup>th</sup> Aug 2015 to upload to the website.	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 plans, reports, strategies or agreements.	Undertaken as required.	Yes
17	<u>Minister's Modification to a Management Plan, Report, Strategy or Agreement</u> Comply with the minister's request to modify management plans, reports, strategies or agreements.	No requests have been received from the minister.	Yes
18	<u>Independent Auditor</u> Commission and pay the full cost for independent environmental	Independent Environmental Audit was conducted by URS. The Audit commenced December 2013 and was completed in February 2014; the report was provided to	Yes



	auditor of the project.	Illawarra Coal on 2 <sup>nd</sup> April 2014. A copy of the report was provided to DOE to satisfy Condition 18 (g). EPBC condition (14) was found to be non-compliant due to late submission of the 2013 compliance report (5 days late). This report is available on the South32 website. <a href="http://www.south32.net/getmedia/3e98b0b5-dfb8-465f-b55a-3ae743da1f31/South32Web">http://www.south32.net/getmedia/3e98b0b5-dfb8-465f-b55a-3ae743da1f31/South32Web</a> Next audit due Dec 2016.	
19	<u>Unsatisfactory Commencement of Action</u> If work is not commenced within 5 years of approval, written approval needs to be obtained from the minister.	Work commenced 15 <sup>th</sup> May 2012 as per date of commencement letter sent to Department of the Environment.	Yes