



Bulli Seam Operations Annual Compliance Report – August 2019 (EPBC 2010/5350)

Date of submission: 9 August 2019

South32 Website Upload Request Date: 9 August 2019

Abbreviations:

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

IMC – Illawarra Metallurgical Coal

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> Approval holder must legally secure the approved offset area for conservation for the duration of the EPBC approval.	Proposed offset area submitted to DOtEE in the Persoonia hirsuta 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 Persoonia 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



Condition	Condition Summary	Status	Compliant Y/N
2	<p><u>Persoonia Hirsuta</u></p> <p>Develop a management plan for the <i>Persoonia hirsuta</i> offset area.</p> <p>Annual monitoring requirements and provide results of the monitoring to the Dept within a timeframe.</p> <p>No clearing of Stage 4 emplacement area permitted until the Offset MP has been approved by the Minister.</p>	<p>Persoonia management plan was submitted to DOtEE prior to the 31st December 2012 and approved on 22 November 2013 (ref 2013/10882). The latest revision (version 8) was approved April 2019. Plan is available on our website. https://www.south32.net/docs/default-source/illawarra-coal-bulli-seam-operations/management-plans/epbc-approval/bulli-seam-operations-project-hirsuta-offset-management-plan.pdf?sfvrsn=c3d12502_15</p> <p>Persoonia hirsuta Condition Reports submitted as required in 2013, 2014, 2015 (submitted late), 2016, 2017 and 2018.</p> <p>Clearing for Stage 4 coal-wash has not yet been undertaken.</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>IMC received an extension to the deadline for finalising and reporting the research to 30 June 2021.</p> <p>The research strategy is included within the approved Offset MP (see link above).</p>	<p>Yes</p>
4	<p><u>Shale/Sandstone Transition Forest</u></p> <p>Implement the approved SSTF Offset MP.</p> <p>Legally secure the offset for long term conservation.</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 & Energy (DOtEE) in June 2013. In 2014, IC</p>	<p>Yes</p>



Condition	Condition Summary	Status	Compliant Y/N
		<p>requested an extension to the deadline to have the offset secured in perpetuity. DOtEE 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>	
5	<p><u>Shale/Sandstone Transition Forest</u></p> <p>Provide a management plan for shale/sandstone transition forest.</p>	<p>Management plan submitted and approved on 7th June 2013. The revised Plan was updated and approved on 2nd September 2014.</p> <p>The Management Plan was updated in 2018 and re-submitted to the Department to reflect the new offset mechanism (BioBanking). Condition 5A was added to the EPBC approval in May 2018:</p> <div data-bbox="981 754 1637 1007" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center; margin: 0;">Conditions attached to the approval</p> <p>5A If the Shale Sandstone Transition Forest is legally secured as a registered NSW BioBanking site, the management plan developed under the NSW BioBanking Agreement for that site is an Offset Management Plan for the purposes of Condition 4. The annual reporting required under that scheme may be provided to the department in place of the reports containing monitoring results required at Condition 5c, on the proviso that all measures specified in Condition 5 are covered.</p> </div> <p>The 2017/18 and 2018/19 SSTF monitoring was conducted under the requirements of the Biobanking Agreement. The annual monitoring report for 2017/18 was provided to DOtEE on 31 May 2018 which is later than “30 days of every 12-month anniversary of the date the Offset is protected in perpetuity” (technically required by March 2018 as a requirement of Condition 5c). S32IC delayed submission of the report until the DOtEE decision to revise Condition 5. S32IC received the Department’s decision May 2018.</p> <p>The 2019 annual report will be completed in accordance with the BioBanking</p>	Yes



Condition	Condition Summary	Status	Compliant Y/N
		Agreement and will be provided to the DOfEE in Aug 2019 once completed.	
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>Submission of rehabilitation monitoring results</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. The latest version of the Plan was approved by DOfEE on 18th Aug 2017.</p> <p>2017/18 Results were provided in the Annual Review which is published on our website. A link to the 2018 report was provided by email to DOfEE on 28th Sept 2018 meaning the reporting of monitoring results was not within the 30 days of every 12-month anniversary of the implementation date of the Plan (Condition 6f).</p>	No
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 DOfEE on the 15th May 2013.</p> <p>Plans revised following comments from DOfEE and OEH. Final Plans re-submitted to DOfEE and OEH on 29 April 2014. Plans approved on the 28 May 2014. The Plans were revised in 2016 and resubmitted to DOfEE for approval. The revised Southern Brown Bandicoot Plan was approved November 2017. The revised Broad-headed Snake Plan was approved 17th Jan 2019. The current Plans are available on the S32IC website.</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 DOfEE. Plan was approved on 3 July 2014. The Plan was revised and submitted to DOfEE on 29th June 2017; The latest version was approved on 29 August 2018. Current Plan is available on the S32IC website.</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>Plan not yet submitted. To be submitted in the mine closure plan.</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 DOtEE 31 May 2012.	Yes
13	<u>Publication Requirements</u> publish all management plans, reports, strategies or agreements with the Department	Undertaken as required. See website.	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, 15,16,17 and 18 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 IMC 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	<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 received from the Minister.	Yes
18	<u>Independent Auditor</u> Commission and pay the full cost for independent environmental auditor of the project.	Independent Environmental Audit was conducted by ERM. The Audit commenced January and completed February 2017; the report was provided to Illawarra Coal on 22 nd March 2017. A copy of the report was provided to DOtEE on 22 March 2017 to satisfy Condition 18 (g). EPBC condition (2) was found to be administratively non-compliant as one of the Annual Personia condition-monitoring reports was submitted late (2015 report). 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). This most recent report t is available on the South32 website. The next audit is scheduled for October 2019.	Yes
19	<u>Unsatisfactory Commencement of Action</u> If work has not commenced within 5 years of approval, written approval needs to be obtained from the minister.	Work commenced 15 ^h May 2012 as per date of commencement letter sent to Department of the Environment.	Yes