

To: Greg Manning, Assistant Secretary
From: s22 Director, Post Approvals Section

s22

19-3-20

VARIATION OF CONDITIONS FOR THREE WHITEHAVEN COAL PROJECTS TO EXTEND THE TIMEFRAME FOR ESTABLISHING LEGALLY BINDING COVENANTS FOR OFFSETS

Timing: 31 March 2020. The conditions require securing of offsets by 31 March 2020. The variation request was submitted on 3 December 2019.

Recommendations:

1.

s22

2. That you agree to vary condition 13 of EPBC Approval 2010/5566 (Maules Creek Coal Mine) to provide more time to register a legally binding covenant for all offset properties (from 31 March 2020 to 31 March 2021, except for the Rocklea offset property - from 31 March 2020 to 15 December 2022) and to require reporting of progress achieving this, and that you sign the variation decision instrument at **Attachment B** to give effect to this variation.

Agreed and signed / Please discuss

3.

s22

4. If you agree to 1, 2 and 3 above, that you sign the letter at **Attachment D** advising Whitehaven Coal of your decisions.

Signed / Not signed

Greg Manning, Assistant Secretary
Assessments (WA, SA, NT), Post Approvals and Policy Branch

Date: 19/3/ 2020

Comments:

Background

1. The Minister has delegated you as decision maker for these matters pursuant to section 515 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

s22

EPBC 2010/5566 – Maules Creek Coal Mine

3. On 11 February 2013, the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke MP, approved with conditions the action to construct and operate an open cut coal mine 18 km north-east of the township of Boggabri in New South Wales, including associated infrastructure. The original timeframe for establishing a legally binding covenant over offsets areas in perpetuity was 11 February 2018. The approval was corrected once and varied on four occasions, two of which were to extend the timeframe. The most recent variation, approved on 22 February 2019, varied condition 13 to allow for an extension, from 31 December 2018 to 31 March 2020, of that timeframe (**Attachment F**).

s22

The proposed variations

5. On 13 December 2019, Whitehaven Coal (Whitehaven), as the owner of the approval holders, requested variation of conditions attached to the EPBC approvals for three projects under their control: s22 EPBC 2010-5566 – Maules Creek Coal Mine; and s22 (**Attachment H**). The variation request sought to vary conditions to provide extensions to the timeframe to register a legally binding covenant for offset areas from 31 March 2020 to 31 March 2021.
6. Whitehaven included in its request a letter dated 11 December 2019 from the NSW Government Biodiversity Conservation Trust (BCT) (**Attachment I**), in which BCT estimates that, with current constraints and allowing for variables and dependencies, the remaining offsets should be secured by March 2021, s22
7. On 5 March 2020, Whitehaven provided an updated request, and included a detailed summary of progress to date in securing offsets across the three EPBC approved projects (**Attachment J**).
8. The detailed summary was subsequently updated on 17 March 2020 (**Attachment K**).
 - s22
 - **Maules Creek** - five properties were secured on 14 March 2020, and a further 12 properties required should be registered by September 2020. However, it is estimated that one property, Rocklea, required for Maules Creek, but jointly held with the s22 (which has a different approval holder), will not be finalised until 15 December 2022.
 - s22
9. While Whitehaven hopes that the above schedule will be achieved, it has advised that it is concerned that a 12-month extension may not be sufficient, as it believes that BCT's estimates are based on best case outcomes.

10. In discussion, the Department has suggested that each varied condition include a requirement for reports of progress towards securement to be included in annual compliance reports and also provided at the Department's request. This will ensure that regular status reports can be obtained.
11. In summary, the proposed variations are:

- s22

- **Maules Creek** - vary condition 13 to extend the timeframe for registering a legally binding covenant to 31 March 2021, except for the Rocklea property which must be registered by 15 December 2022, and to provide updates to the Department on progress as part of annual compliance reporting, and as otherwise requested by the Department; and

- s22

12. Under section 143(1)(c) of the EPBC Act, the Minister may revoke, vary or add to any conditions (other than the condition referred to in section 134(1A)) attached to an approval if the holder of the approval agrees to the proposed revocation, variation or addition, and the Minister is satisfied that the conditions attached to the approval after the proposed revocation, variation or addition are necessary or convenient for:
 - protecting a matter protected by any provision of Part 3 for which the approval has effect, or
 - repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

Department evaluation of request

13. Legal securement of offset properties for these and other NSW coal mines have taken much more time than originally envisaged in the project approvals, and subsequent variations. This has been due to a range of factors, including delays in arrangements being agreed and finalised by BCT, the capacity of BCT to undertake the required validation work, and severe drought and fire conditions impacting on the ability to adequately describe the offset sites.
14. While the current estimate is that nearly all offset properties will be secured by the end of 2020, Whitehaven, supported by BCT, has requested extension of the timeframe by a full 12 months to 31 March 2021, to allow for further unanticipated delays to the estimated timeframes.
15. Given the breadth of the properties involved and uncertainty about finalising legal securement, the Department believes that extension to 31 March 2021 would be prudent. The offset properties are all under the control of Whitehaven and being managed under approved management plans.
16. In the case of the Rocklea property, jointly held by Maules Creek Coal Mine and s22 Whitehaven has asked that the securement requirement for this to be extended to 15 December 2022, in line with the timeframe for s22 You recently approved a variation to the requirements
17. The current variation request does not seek any change to the direct offset requirements in the approvals, or their management arrangements.
18. To date, the Department's compliance monitoring team has not taken any compliance action under the Maules Creek and s22 approvals. s22

s22

19. On 17 March 2020, Whitehaven agreed to the draft variation notices (**Attachment L**).

Sensitivities

20. The Maules Creek variation made in February 2019 attracted criticism from South East Forest Rescue (SEFR) and the Environmental Defenders Office New South Wales (EDO NSW), including a request for a Statement of Reasons for the decision, and a request that clearing be suspended until the offsets are secured. Maules Creek Coal Mine has been subject to opposition over many years for a range of reasons.
21. More recently, SEFR and the Environmental Defenders Office (EDO) have sought information about the 2014 approval of Maules Creek offsets.

Recommendations

22. Based on the Department's assessment, it is recommended that, in accordance with s143 of the EPBC Act, you approve:



s22



variation of condition 13 of EPBC Approval 2010/5566 - Maules Creek Coal Mine, to provide more time (from 31 March 2020 to 31 March 2021) to register a legally binding covenant for offset areas, except for the Rocklea offset property (from 31 March 2020 to 15 December 2022) and to require regular progress reporting, and sign the variation notice at **Attachment B** to give effect to this;



s22



you **sign** the letter at **Attachment D**, giving notice of your decisions.

Contact Officer: s22

ATTACHMENTS

A: s22

B: Notice of variation for 2010/5566 – Maules Creek (**for signature**)

C: s22

D: Letter to Whitehaven advising of your decision (**for signature**)

E: s22

F: Consolidated Conditions of EPBC 2010/5566 approval and variations (**for information**)

G: s22

H: Correspondence of 13 December 2019 from Whitehaven Coal (**for information**)

I: Correspondence of 11 December 2019 from BCT to Whitehaven, outlining estimated timeframe for legally securing offsets properties (**for information**)

J: Email from Whitehaven dated 5 March 2020, including a table showing current status of legal securing of offsets across 3 projects (**for information**)

- K:** Updated table of 17/3/2020 showing current status of legal securement of offsets across 3 projects (**for information**)
- L:** Email advice of 17/3/2020 from approval holder accepting wording of variation notices (**for information**)



**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
 MAULES CREEK (EPBC 2010/5566)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	Aston Coal 2 Pty Limited ACN: 139 472 567
Approved action	To construct and operate an open cut coal mine 18 km north-east of the township of Boggabri in New South Wales, including associated infrastructure [See EPBC Act referral 2010/5566].

Variation

Variation of conditions attached to approval	The variation is to delete condition 13 attached to the approval and substitute with the conditions specified in the table below.
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Greg Manning Assistant Secretary Assessment (WA, SA, NT), Post Approvals and Policy Branch
Signature	
Date of decision	19/3/20

Date of decision	Conditions attached to approval
Original dated 11/2/2013	<p>Disturbance areas</p> <p>1. The person taking the action must not clear more than 544 hectares (ha) of the EPBC listed White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community within the Maules Creek project area, as identified in <u>Attachment A</u> of these conditions.</p>
Original dated 11/2/2013	<p>2. The person taking the action must not clear more than 1665 ha of habitat for the regent honeyeater (<i>Anthochaera phrygia</i>: formerly <i>Xanthomyza phrygia</i>), swift parrot (<i>Lathamus discolor</i>) or greater long-eared bat (<i>Nyctophilus corbeni</i>), within the Maules Creek project area. The 1665 ha of habitat specified includes the 544 ha of the critically endangered ecological community at condition 1.</p>
Original dated 11/2/2013	<p>3. The person taking the action must submit a Biodiversity Corridor plan for the approval of the Minister within three months of the date of this approval. The plan must address the following matters:</p> <ul style="list-style-type: none"> a) protection of native vegetation of a total width of 500 metres (m) where the Maules Creek coal lease boundary is adjacent to the Boggabri coal mine lease boundary; b) maintenance in perpetuity of this area as a biodiversity corridor, and c) evidence that the biodiversity corridor will be protected in perpetuity through a legal mechanism that would provide the equivalent protection of a conservation covenant. <p>The approved Biodiversity Corridor must be implemented.</p>
Original dated 11/2/2013	<p>4. The person taking the action is required to submit a Conservation and Biodiversity Bond under condition 55 of the NSW state government project approval dated 23 October 2012 (Application 10_0138). It is noted that this bond may be combined with the rehabilitation security deposit as required by the NSW Trade & Investment - Division of Resources and Energy under the NSW <i>Mining Act 1992</i>. The person taking the action must submit details of this bond and the rehabilitation security deposit, to the Minister. If the Minister is not satisfied that the bond and the rehabilitation security deposit lodged by the person taking the action is adequate to provide for the implementation of the requirements referred to under conditions 3, 17, 25- 28 the Minister may require the person taking the action establish an additional bond or equivalent financial instrument in trust, under conditions approved in writing by the Minister.</p>
Original dated 11/2/2013	<p>5. The person taking the action must provide a map to the Minister showing the area of the biodiversity corridor within the Maules Creek coal mine lease boundary within one month of this approval decision and detail the amount (in hectares) of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat within this area.</p>
Original dated 11/2/2013	<p>6. The person taking the action must submit to the Minister for approval, within three months of the commencement of the action, an approach that:</p> <ul style="list-style-type: none"> a) limits the maximum disturbance (in hectares) specified for each of the years 5, 10, 15 and 21 from the date of this approval of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and the habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat; b) incorporates an analysis, undertaken by independent ecological experts approved by the Department, that demonstrates the maximum disturbance limits which will minimise any impacts on relevant matters of national environmental significance; c) demonstrates collaboration with the person taking the action to develop and operate the Boggabri Coal Project (EPBC 2009/5256), in order to minimise progressive project area disturbance limits across both sites. The progressive

Date of decision	Conditions attached to approval
	disturbance limits are to be reflected in the development of the Leard Forest Mining Precinct Biodiversity Strategy.
Original dated 11/2/2013	7. The person taking the action must not clear more than the maximum project area disturbance limits specified for each of the years 5, 10, 15 and 21 as described in condition 6, unless otherwise approved by the Minister .
Original dated 11/2/2013	8. The person taking the action must publish the analysis under condition 6 on their website.
Original dated 11/2/2013	<p>Direct Offsets</p> <p>9. The person taking the action must register a legally binding conservation covenant over offset areas of no less than:</p> <ul style="list-style-type: none"> a. 9,334 ha of an equivalent or better quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat; and b. 5,532 ha of an equivalent or better quality of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community. <p>Note: the 5,532 ha of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may be included within the 9,334 ha of offset area for the threatened species if it meets the listing criteria for the EPBC-listed critically endangered ecological community as defined in the EPBC listing advice for that community and the requirements of condition 9.</p>
Correction dated 15/2/2013	10. The person taking the action must verify through independent review the quantity and condition class of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within all proposed offset areas including those proposed in the Environmental Assessment , as defined at <u>Attachment B</u> of these conditions, and any additional offsets as required at condition 9. Details of all independently verified offset areas must be submitted to the Minister for approval by 30 December 2013. The findings of the independent review must be published on the proponent's website.
Original dated 11/2/2013	11. If the independent review finds that the offset areas do not meet the requirements of conditions 9, 12 a and 12 b, then additional areas must be included in the offset areas until all relevant criteria under these conditions are met.
Original dated 11/2/2013	<p>12. The offset areas must be of an overall equivalent or better quality than the areas being cleared. This means:</p> <ul style="list-style-type: none"> a. for White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, offset areas must meet the definition of the ecological community described in the listing advice, and must be of an overall equivalent or better condition class than the areas being cleared, based on the proportion of each condition class represented and other relevant ecological attributes; b. for the threatened species, the quality of the habitat for the species, taking account of its ecological requirements, must be equivalent to or better than the areas being cleared.
As varied on the date this instrument was signed	<p>13. The mechanism/s for registering a legally binding covenant must provide protection for the offset areas in perpetuity and be registered by 31 March 2021, except in respect of the Rocklea property, which must be registered by 15 December 2022.</p> <p>Evidence of compliance with condition 13 must be provided to the Department within 30 day of registering a legally binding covenant.</p>

Date of decision	Conditions attached to approval
	The approval holder must report on progress meeting these requirements of in each annual compliance report required under condition 34 and as otherwise requested by the Department .
Original dated 11/2/2013	14. If the person taking the action proposes to undertake any action within areas secured under condition 9, other than those management activities related to managing the offset areas or as set out in the conditions approval, then approval to undertake that action must be obtained in writing from the Minister . In seeking the Minister's approval, the person undertaking the action must provide a detailed assessment of the area where the action is proposed to take place and an assessment of all associated adverse impacts on matters of national environmental significance . If the Minister agrees to the action within the offset areas, the area identified for the action must be excised from the offset area and alternative offsets secured by the person taking the action at a ratio of at least 20:1 in relation to the impact on matters of national environmental significance .
Original dated 11/2/2013	<p>Indirect Offsets</p> <p>15. To compensate for the loss of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must submit to the Minister for approval, within 2 years of the date of this approval, a project plan to invest \$1 million for research that will identify effective methodologies for achieving rehabilitation and restoration of functioning White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community on mining sites. The research must be undertaken by a third party and be available to industry and governments generally. The approved project plan must be implemented.</p>
Variation dated 16/3/2017	16. To compensate for the loss of the habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must provide \$1.5 million over the life of the approval (comprising \$500,000 for each of the regent honeyeater, swift parrot and greater long-eared bat), to deliver activities that implement priority recovery actions for the regent honeyeater, swift parrot and greater long-eared bat. A detailed project plan governing the timing of the \$1.5 million funding for the activities and outcomes must be developed. The project plan must be submitted to the Minister for approval by 30 April 2017, or otherwise agreed in writing by the Minister . The project plan should demonstrate consultation with relevant species experts and be consistent with approved National Recovery Plans where they are available, and as agreed with the relevant Recovery Planning Teams. The approved project plan must be implemented.
Original dated 11/2/2013	<p>Offset management plan</p> <p>17. The person taking the action must submit to the Minister for approval an <i>Offset management plan</i> for all of the offset areas, specified in condition 9, within 12 months of the date of this approval. The approved Offset management plan must be implemented.</p> <p>Note: for consistency, the proponent may develop a Biodiversity Management plan that includes the requirements set for managing offsets and set out in these conditions, to align with the requirements of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) and this approval.</p>
Original dated 11/2/2013	<p>18. The <i>Offset management plan</i> must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) a text description and map which clearly defines the location and boundaries of the offset areas. This must be accompanied by the offset attributes and shapefiles; b) a description of the methodology and results of surveys measuring the baseline ecological conditions in the offset areas. This must be consistent with the State and Transition Model and include but not be limited to:

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> i. the extent and condition of all vegetation communities, including a description of the structure, floristics and tree age class representation of each community; ii. the extent and condition class of all areas of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community; iii. surveys targeting the regent honeyeater, swift parrot and greater long-eared bat; iv. the extent and quality of all areas of habitat for the regent honeyeater, swift parrot and greater long-eared bat; v. the location of all survey sites (including co-ordinates); vi. photo reference points at survey sites. <p>c) clearly defined ecological management objectives for the offset areas;</p> <p>d) detailed description of all ecological management activities proposed to be undertaken, including maps and/or diagrams showing areas to be managed and the timing of the proposed activities;</p> <p>e) details of ongoing ecological monitoring programs, performance criteria, targets and provisions for adaptive management, including but not limited to:</p> <ul style="list-style-type: none"> i. a set of measurable ecological indicators for detecting changes to the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, including those that may be ascribed to ongoing water stress; ii. a monitoring plan to assess the success of the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat. This should include the use of control sites and periodic ecological surveys to be undertaken by a qualified ecologist; iii. a list of performance criteria based on the ecological management objectives for the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat; iv. measures to exclude weeds from all offset areas for the period covered by this approval; v. a description of the potential risks to successful management against the performance criteria, and a description of the contingency measures that would be implemented to mitigate against these risks; vi. a process by which to report to the department the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement. <p>f) details of all parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor.</p>

Date of decision	Conditions attached to approval
	g) details of the funding requirements for the ongoing management activities, including an estimate of the costs of the activities and details of the parties responsible for funding the activities.
Original dated 11/2/2013	19. Unless otherwise agreed to in writing by the department , the baseline surveys for threatened species must be conducted in accordance with the department's <i>Survey Guidelines for Australia's Threatened Birds</i> and the <i>Survey Guidelines for Australia's Threatened Bats</i> . Subsequent monitoring must be carried out annually at the same time of year as the baseline surveys, unless otherwise agreed to in writing by the department .
Correction dated 16/4/2013	Surface and groundwater management plans 20. The person taking the action must provide to the Minister for approval, the <i>surface and groundwater management plans</i> as identified in condition 40 of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138). The <i>surface and groundwater management plans</i> must be approved by the Minister prior to commencement of construction .
Original dated 11/2/2013	21. The <i>surface and groundwater management plans</i> must be consistent with the National Water Quality Management Strategy .
Original dated 11/2/2013	22. The person taking the action must, prior to commencement of construction , in collaboration with the proponent to develop and operate the Boggabri Extension (EPBC 2009/5256) and any other approved mines within 20 kilometres (km) of the project area , provide written advice to the Minister demonstrating how the NSW government approved <i>surface and groundwater management plans</i> (condition 20), addresses the cumulative impact of groundwater drawdown as a result of mining and how this may impact on the consequent health of the remnant native vegetation in the Leard State Forest, the Leard State Conservation Area and surrounding areas. In particular the advice must address the following matters: a. maximum amount of allowable drawdown in the alluvial aquifer b. drawdown in hard rock c. trigger levels pertaining to drawdown in the alluvial aquifer when corrective actions will be required to be undertaken d. identify the depth of root zone of the native vegetation e. monitoring to assess the ongoing quality and quantity of both surface and groundwater to identify impacts on the native vegetation.
Original dated 11/2/2013	23. The person taking the action must within 6 months of the date of this approval, or such other timeframe specified by the Minister , provide to the Minister a report on: a. any updated modelling of surface and groundwater impacts that has been undertaken in preparing the <i>surface and groundwater management plans</i> b. how the <i>surface and groundwater management plans</i> addressed groundwater and surface water impacts on matters of national environmental significance.
Original dated 11/2/2013	Leard Forest Mining Precinct Regional Biodiversity Strategy 24. The person taking the action must implement the regional biodiversity strategy as required under condition 41 of the NSW state government project approval dated 23 October 2012 (application number 10_0138). The required scoping report for the development of the strategy must be submitted to the Minister for approval on or before 31 July 2013. The approved strategy must be implemented.
Original dated 11/2/2013	Mine site rehabilitation 25. To mitigate the impacts to the White Box-Yellow Box –Blakely's Red Gum Grassy Woodland and Derived Native Grassland and the habitat of the regent honeyeater,

Date of decision	Conditions attached to approval
	<p>swift parrot and greater long-eared bat, the person taking the action must, within 12 months of the commencement of construction, submit to the Minister for approval a <i>mine site rehabilitation plan</i> for the progressive rehabilitation and revegetation of no less than 1665 ha of native forest and woodland (less the portion included in the biodiversity corridor identified in condition 3) in the project area including 544 ha using species consistent with a White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. This approved <i>mine site rehabilitation plan</i> must be implemented.</p>
<p>Original dated 11/2/2013</p>	<p>26. The person taking the action must:</p> <ol style="list-style-type: none"> a. rehabilitate the site to be consistent with the proposed rehabilitation strategy as provided in the Environmental Assessment and, as required under the NSW State Government approval dated 23 October 2012 (Application 10_0138); and b. not replace topsoil and sub soil layers at a depth less than the minimum depths determined through pre-stripping soil surveys as described in condition 27(c). <p>Note: the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) conditions require pre-stripping soil surveys and inventories to inform the availability, rehandling, stockpiling and management of soils, and maximising the salvaging of soil to be used, in the rehabilitation of the site.</p>
<p>Original dated 11/2/2013</p>	<p>27. The <i>mine site rehabilitation plan</i> must include, at a minimum, the following information:</p> <ol style="list-style-type: none"> a. targets and performance indicators to achieve effective restoration of potential habitat for the regent honeyeater, swift parrot and greater long-eared bat and White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, including weed management; b. details of the vegetation communities to be rehabilitated and the timing of progressive rehabilitation (commencing as soon as practicable following disturbance); c. detailed soil depth surveys and analysis to inform the effective placement and restoration of soils underlying the proposed rehabilitation sites; including mapping of soils across the disturbance sites and soil sampling at no less than one sample point per 20 ha of each soil type identified. Sampling must identify; type, depth, water holding capacity, structure and physio-chemical properties of each of the soil and subsoil layers; d. processes and methodologies for the removal, storage and re-layering of the topsoil and sub soil layers underlying the disturbed sites being prepared for rehabilitation. These processes and methodologies must ensure the replacement of topsoil and sub soil layers: <ul style="list-style-type: none"> • meet the minimum depth requirements determined from sampling outcomes as identified in condition 27(c); and • replicate other existing soil parameters including, but not limited to, soil type, water holding capacity, structure and physio-chemical properties. e. a process to report annually to the department the rehabilitation management actions undertaken and the outcome of those actions, and the mechanisms to be used to identify the need for improved management; f. a description of the potential risks to successful management and rehabilitation on the project site, including weed invasion, and a

Date of decision	Conditions attached to approval
	<p>description of the contingency measures that would be implemented to mitigate these risks;</p> <p>g. details of long-term management and protection of the mine site, including details of the commitment of funds to achieve this.</p>
Original dated 11/2/2013	28. The <i>mine site rehabilitation plan</i> must be subject to an independent review by a qualified ecologist prior to being submitted to the Minister for approval. The findings of the independent review must be published on the proponent's website.
Original dated 11/2/2013	<p>Final Landform</p> <p>Note: for consistency, the person taking the action may develop a single mine rehabilitation plan to align with the requirements, including timing of reporting, of the NSW State Government approval dated 23 October 2012 (Application 10_0138) and this approval. The Offset Management Plan and the Rehabilitation management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</p> <p>29. The person taking the action must undertake rehabilitation to ensure the final landform provides the optimum opportunity for the successful restoration of native forest and woodland including the critically endangered White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.</p> <p>Note: for consistency, the proponent may develop a single mine rehabilitation plan to align with the requirements of the NSW Government and this approval. The Offset Management Plan and the Rehabilitation management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</p>
Original dated 11/2/2013	<p>30. The person taking the action must undertake rehabilitation to ensure the final void and landform minimises the extent of any resulting pit lake, avoids salt scalding and ensures that drained waters do not adversely affect the downstream environment and avoids any impacts on matters of national environmental significance.</p> <p>Note: the State approval conditions for project 10_0138 require the preparation and implementation of an updated Final Void and Mine Closure Plan that considers interactions with the adjoining mines, including interaction between final voids, opportunities for integrated mine planning with adjoining mines to minimise environmental impacts, all reasonable and feasible landform options for the final void (including filling) and predicted hydrochemistry and hydrogeology (including long-term groundwater recovery and void groundwater quality).</p>
Original dated 11/2/2013	<p>Survey data</p> <p>31. All survey data collected for the project must be recorded so as to conform to data standards notified from time to time by the department. When requested by the department, the proponent must provide to the department all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the department in writing. The department may use the survey data for other purposes.</p>
Original dated 11/2/2013	32. In the event that any additional matters of national environmental significance are recorded within the project area and a significant impact on the matter/s is likely, the department must be notified in writing within 14 days of the matter/s being recorded. In accordance with condition 37, the Minister may request that the person taking the action revise any relevant plans to ensure better protection of the relevant matter/s.
Original dated 11/2/2013	<p>Reporting and auditing</p> <p>33. 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>
Original dated 11/2/2013	34. By the end of March of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-

Date of decision	Conditions attached to approval
	compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.
Original dated 11/2/2013	35. 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 .
Original dated 11/2/2013	36. 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 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.
Original dated 11/2/2013	37. 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.
Original dated 11/2/2013	38. 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 .
Original dated 11/2/2013	<p>Publication of plans</p> <p>39. 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. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> 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.</p>
Original dated 11/2/2013	40. 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.

Date of decision	Definitions
Original dated 11/2/2013	<p>Biodiversity corridor – an area of native vegetation at least 250 m wide that has not been previously cleared for mining, which links the existing native vegetation to the east and west of the Maules Creek and Boggabri coal mine leases and is located within the Maules Creek coal mine lease where it is adjacent to the Boggabri coal mine lease boundary. The purpose is to ensure that a minimum 500 m wide native vegetation corridor is maintained between the Boggabri and Maules Creek mines and that any alternative corridor <i>provides equivalent or better ecosystem functionality (including habitat for the regent honeyeater, swift parrot and greater long-eared bat)</i>.</p>

Date of decision	Definitions
Original dated 11/2/2013	Commencement of construction – the commencement of any activities within the project area which are included in this approval.
Original dated 11/2/2013	Condition class – One of three states in which the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may exist, as defined within the Commonwealth listing advice for the listing of this ecological community as critically endangered under the EPBC Act.
Original dated 11/2/2013	Department - the Australian Government Department responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Original dated 11/2/2013	Environmental Assessment – The Maules Creek Coal Project Environmental Assessment July 2011, prepared by Hansen Bailey for Aston Coal 2 Pty Ltd, and submitted as part of the approval documents for the Maules Creek Coal Project.
Original dated 11/2/2013	Habitat – areas in which a species or community is known to occur or is thought to have the potential to occur based on the biophysical conditions prevailing in the area and the ecological requirements of the species or community
Original dated 11/2/2013	Independent review – an investigation conducted by an independent expert ecologist who has been approved by the department.
Original dated 11/2/2013	Minister - the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister
Original dated 11/2/2013	Matters of national environmental significance – all matters listed under Part 3 of the EPBC Act
Correction dated 15/2/2013	Offset areas – areas that are proposed to meet the criteria set out in conditions 9, 10, 11, 12 and 13 of the approval, to offset the impacts of the action on matters of national environmental significance.
Original dated 11/2/2013	Offset attributes -means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
Original dated 11/2/2013	Project area – the area defined by the Maules Creek Coal Mine Project EPBC Act referral (EPBC Act reference 2010/5566) as lying within the Project Application Boundary.
Original dated 11/2/2013	Shapefiles -means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.
Original dated 11/2/2013	State and Transition Model – Section 3.2 of <i>A Guide to Managing Box Gum Grassy Woodlands</i> (Caring for our Country Environmental Stewardship, 2010), depicts the different condition states (as reflected by disturbance, inputs and altered land use) in which a given vegetation can exist. This publication can be found at: http://www.nrm.gov.au/resources/publications/stewardship/bggw-handbook.html
Original dated 11/2/2013	Substantially commence the action – means the extraction of coal from the Maules Creek Coal Mine Project for the purpose of commercial production. Substantial commencement does not include test extraction or extraction of coal samples for quality assurance.

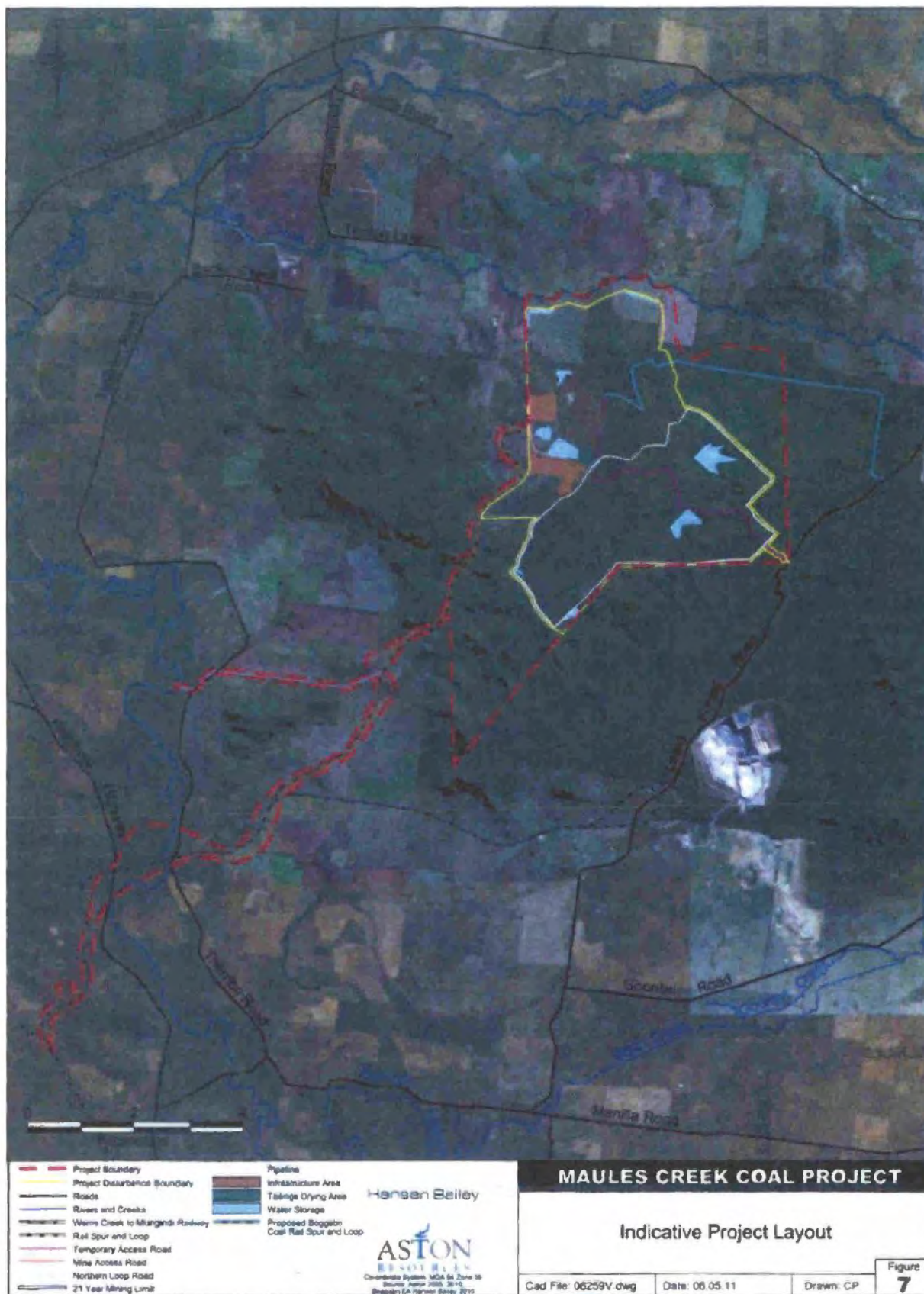


Table 2.5 Summary of EPBC Matters - Condition Areas of Box Gum Woodland and Habitat for Threatened EPBC Fauna to be Conserved in the Eastern, Western, Northern and Shared Properties

OFFSETS						Box Gum Woodland and Derived Grasslands provided (ha)			HABITAT for EPBC Matters of National Environmental Significance (Regent Honeyeater, Swift Parrot and Greater Long-eared Bat)	
Property (describe each discrete property separately)	Size property (ha)	Location property (map coordinates)		Current tenure (+security of acquisition)	Proposed long-term protection mechanism (covenant, CA, National Parks etc)	Condition 'A' (not included in EPBC listing)	Condition 'B' (patches of >0.1 ha with more than 12 species)	Condition 'C' (patches of >2 ha with at least 20 mature trees per ha)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)
		LATITUDE	LONGITUDE			An overstorey of eucalypt trees exists, but there is no substantial native understorey	A native understorey exists, but the trees have been cleared	Both a native understorey and an overstorey of eucalypts exists in conjunction		
Blue Range	748	30°31'17.3 S	150°5'47.4 E	Private ownership	CA or other	0	0	21.7	0	127.4
Cattle Plain	284	30°30'57.6 S	150°7'38.1 E	Private ownership	CA or other	0	0	36.0	36.0	116.3
Taston (n/h)	292	30°31'58.8 S	150°6'38.7 E	Agreement in Place	CA or other	0	0	57.8	0.1	204.5
Tralea	342	30°32'2.6 S	150°7'26.2 E	Agreement in Place	CA or other	0	0	17.2	0	103.2
Wallandilly	1890	30°30'47.9 S	150°9'56.4 E	Private ownership	CA or other	0	0	98.3	122.8	699.7
Warriahdool	1011	30°31'22.5 S	150°8'40.7 E	Agreement in Place	CA or other	0	0	64.5	64.5	138.1
MI Lindesay	2430	30°19'42.1 S	150°16'57.1 E	Aston Coal Owned	NP, CA or other	0	577.3	1458.6	1456.7	821.2
Wirradale	4321	30°22'54.6 S	150°15'47.8 E	Under option	NP, CA or other	0	818.7	1517.1	1942.2	1593.7
Shared Property	884	30°38'44.7 S	150°11'12.7 E	Boggebit / Aston Coal Owned	CA or other	0	0	5.5	124.1	232.1
Ketso	508	30°36'26.1 S	150°3'36.3 E	Private ownership	CA or other	0	0	16.5	342.8	156.4
Louenville	459	30°34'53.3 S	150°4'59.8 E	Agreement in Place	CA or other	0	0	151.0	188.6	115.0
Olivedeen	193	30°35'24.4 S	150°3'9.4 E	Aston Coal Owned	CA or other	0	0	0	13.2	31.8
Taston (s/h)	1273	30°34'5.7 S	150°7'0.1 E	Aston Coal Owned	CA or other	0	18.6	63.4	175.1	127.6
Velyama	919	30°36'9.5 S	150°5'5.9 E	Aston Coal Owned	CA or other	0	71.6	37.8	83.0	315.8
TOTAL	15554					0	1486.2	3545.4	4549.1	4784.8

Table 2.6 Condition Areas of Habitat for Threatened Species to be Conserved in the Eastern, Western, Northern and Shared Properties

OFFSETS	[a] HABITAT for Wide-foraging Bird Species (White-throated Needletail, Fork-tailed Swift, Square-tailed Kite, Spotted Harrier, Little Eagle)		[b] HABITAT for Forest and Woodland Species*		[c] Potential HABITAT for Koala		[d] Potential HABITAT for <i>Pultenaea setulosa</i>		[e] Potential HABITAT for <i>Pomaderris queenslandica</i>		
	Property (describe each discrete property separately)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)	Good condition vegetation (ha)	Low or moderate condition vegetation to be re-vegetated (ha)
Blue Range	30.69	96.7	0	127.4	0	30.7	0	0	0	0	28.4
Cattle Plain	38.6	115.6	36.0	118.3	36.0	2.7	0	0	0.0	0	2.7
Teston (n/h)	66.1	136.4	0.1	204.5	0.1	63.3	0.1	2.8	0.0	0.0	15.7
Tralee	35	68.1	0.0	103.2	0	26.5	0	8.6	0	0	9.5
Waitandilly	266.7	555.8	122.8	698.7	122.8	143.9	10.5	0	0.0	0.0	56.2
Warrahdoon	89.7	112.9	64.5	138.1	64.5	25.2	0	0	0.0	0.0	25.2
Mt Lindesay	2260.4	17.5	1456.7	821.2	686.4	1.9	0	0	0.0	0.0	226.1
Wirradale	3495.9	40.1	1942.2	1593.7	1088.9	432.9	853.4	0	853.4	0	420.1
Shared Property	355.0	1.3	124.1	232.1	0	41.8	35.8	183.6	35.8	0	189.2
Kelso	342.8	156.4	342.8	156.4	72.4	0	288.9	0	282.3	0	0.0
Louenville	188.6	115.0	188.6	115.0	151.0	0	188.1	0	34.5	0	0.0
Olivedeen	13.2	31.8	13.2	31.8	13.2	0	0	0	8.3	0	0.0
Teston (s/h)	246.6	56.2	175.1	127.6	10.6	52.9	175.1	0	63.1	0	0.0
Velyama	116.9	281.9	83.0	315.8	25.2	16.1	79.5	0	57.8	0	0.0
TOTAL	7546.3	1767.7	4549.1	4784.8	2271.1	637.0	1629.4	195.1	1355.1	0	973.1

- Grey-crowned Babbler
- Speckled Warbler
- Little Lorikeet
- Swift Parrot
- Turquoise Parrot
- Barking Owl
- Masked Owl
- Rainbow Bee-eater
- Brown Treecreeper
- Black-chinned Honeyeater
- Regent Honeyeater
- Painted Honeyeater
- Varied Sittella
- White-browed Woodswallow
- Salin Flycatcher
- Hooded Robin
- Diamond Firetail
- Yellow-bellied Sheath-tail Bat
- Little Pied Bat
- Eastern False Pipistrelle
- Eastern Bentwing-bat
- Greater Long-eared Bat
- Eastern Cave Bat

Black-necked Stork;

It is difficult to estimate the area of habitat for the Black-necked Stork. The Black-necked Stork has foraging habitat on those properties where there are farm dams and shallow creeks supporting open, still water. Properties in the Eastern and Western offsets with frontage to the Namoi River and Back Creek (such as Kelso, Olivedeen and Warrahdoon), containing such water frontages and comprising floodplain areas of the Namoi River, are suitable foraging areas for the species. The draft BOMP makes provision for the rehabilitation of creekline areas and riparian habitat in offset areas, which is intended to protect and improve the foraging habitat of this species.

The habitat estimates that appear in the above table are based on the following assumptions about habitat:

- [a] These are wide-foraging species that forage over forest, woodland and grassland areas and are fairly adaptable to modified habitats. These species have been detected, or are likely to occur in the offset areas from time to time;
- [b] These are species that rely on forest and woodland areas. These species have been detected, or are likely to occur in the offset areas;
- [c] Koalas were not detected within the Project Boundary despite an intensive survey. In spite of this, Koalas are anecdotally known to occur in the Project Boundary but at very low densities. Grassy box woodlands and riparian forests are potential habitat for the Koala in the offset areas;
- [d] *Pultenaea setulosa* is known to occur in ironbark forests, ironbark woodland and forests in the offset areas provide potential habitat for the species; and
- [e] *Pomaderris queenslandica* has potential habitat in forest and woodlands where there is a shrubby understorey, as well as in creekline vegetation.



Australian Government

Department of Agriculture, Water and the Environment

Ref: s22, 2010/5566, s22

s47F

Gorup Superintendent – Biodiversity
Whitehaven Coal Limited
231 Conadilly Street
Gunnedah NSW 2380

**Variation to EPBC approvals for s22, Maules Creek Coal Mine
(2010/55660 and s22)**

Dear Mr s47F

Thank you for your correspondence dated 13 December 2019 to the Department requesting variation of offset securement conditions attached to EPBC approvals s22 2010/5566 and s22

Officers of this Department have reviewed the variation requests. As delegate of the Minister, I have varied s22 condition 13 attached to EPBC 2020/5566 and s22 under section 143(1)(c) of the *Environment Protection and Biodiversity Conservation Act 1999* so as to extend the date for finalisation of legal securement measures for offsets required under these approvals. The actions must now be undertaken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

The Department encourages Whitehaven Coal to regularly engage with State regulators in order to finalise the securing and registration of the offset sites within the time period agreed to and as required under these conditions. It is expected that these variations will provide enough time in which to secure the offset and that no further variation requests will be made. Unless there are compelling reasons completely outside Whitehaven's control, a further variation is unlikely to be justified.

I also request that you provide the Department with an update as at 30 June 2020 on progress achieved in legally securing offset properties for the three approved projects.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact s22 Project Officer, Post Approvals Section, on s22 or by email: post.approvals@awe.gov.au.

Yours sincerely

Greg Manning
Assistant Secretary
Assessments (WA, SA, NT), Post Approvals and Policy Branch

19/3/2020

Att. Variation notices for s22 EPBC 2010/5566 and s22



**VARIATION OF CONDITIONS ATTACHED TO APPROVAL
MAULES CREEK (EPBC 2010/5566)**

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted Aston Coal 2 Pty Limited
ACN: 139 472 567

Approved action To construct and operate an open cut coal mine 18 km north-east of the township of Boggabri in New South Wales, including associated infrastructure [See EPBC Act referral **2010/5566**].

Variation

Variation of conditions attached to approval The variation is delete condition 13 attached to the approval and substitute with the conditions specified in table below

Date of effect This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position Declan O'Connor-Cox
Acting Assistant Secretary
Assessment (WA, SA, NT) and Post Approvals Branch

Signature

Date of decision

22 February 2019

Date of decision	Conditions attached to approval
Original dated 11/2/2013	<p>Disturbance areas</p> <p>1. The person taking the action must not clear more than 544 hectares (ha) of the EPBC listed White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community within the Maules Creek project area, as identified in <u>Attachment A</u> of these conditions.</p>
Original dated 11/2/2013	<p>2. The person taking the action must not clear more than 1665 ha of habitat for the regent honeyeater (<i>Anthochaera phrygia</i>: formerly <i>Xanthomyza phrygia</i>), swift parrot (<i>Lathamus discolor</i>) or greater long-eared bat (<i>Nyctophilus corbeni</i>), within the Maules Creek project area. The 1665 ha of habitat specified includes the 544 ha of the critically endangered ecological community at condition 1.</p>
Original dated 11/2/2013	<p>3. The person taking the action must submit a Biodiversity Corridor plan for the approval of the Minister within three months of the date of this approval. The plan must address the following matters:</p> <ul style="list-style-type: none"> a) protection of native vegetation of a total width of 500 metres (m) where the Maules Creek coal lease boundary is adjacent to the Boggabri coal mine lease boundary; b) maintenance in perpetuity of this area as a biodiversity corridor, and c) evidence that the biodiversity corridor will be protected in perpetuity through a legal mechanism that would provide the equivalent protection of a conservation covenant. <p>The approved Biodiversity Corridor must be implemented.</p>
Original dated 11/2/2013	<p>4. The person taking the action is required to submit a Conservation and Biodiversity Bond under condition 55 of the NSW state government project approval dated 23 October 2012 (Application 10_0138). It is noted that this bond may be combined with the rehabilitation security deposit as required by the NSW Trade & Investment - Division of Resources and Energy under the NSW <i>Mining Act 1992</i>. The person taking the action must submit details of this bond and the rehabilitation security deposit, to the Minister. If the Minister is not satisfied that the bond and the rehabilitation security deposit lodged by the person taking the action is adequate to provide for the implementation of the requirements referred to under conditions 3, 17, 25-28 the Minister may require the person taking the action establish an additional bond or equivalent financial instrument in trust, under conditions approved in writing by the Minister.</p>
Original dated 11/2/2013	<p>5. The person taking the action must provide a map to the Minister showing the area of the biodiversity corridor within the Maules Creek coal mine lease boundary within one month of this approval decision and detail the amount (in hectares) of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland critically endangered ecological community and habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat within this area.</p>
Original dated 11/2/2013	<p>6. The person taking the action must submit to the Minister for approval, within three months of the commencement of the action, an approach that:</p> <ul style="list-style-type: none"> a) limits the maximum disturbance (in hectares) specified for each of the years 5, 10, 15 and 21 from the date of this approval of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and the habitat or potential habitat for the regent honeyeater, swift parrot and greater long-eared bat;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> b) incorporates an analysis, undertaken by independent ecological experts approved by the Department, that demonstrates the maximum disturbance limits which will minimise any impacts on relevant matters of national environmental significance; c) demonstrates collaboration with the person taking the action to develop and operate the Boggabri Coal Project (EPBC 2009/5256), in order to minimise progressive project area disturbance limits across both sites. The progressive disturbance limits are to be reflected in the development of the Leard Forest Mining Precinct Biodiversity Strategy.
Original dated 11/2/2013	7. The person taking the action must not clear more than the maximum project area disturbance limits specified for each of the years 5, 10, 15 and 21 as described in condition 6, unless otherwise approved by the Minister .
Original dated 11/2/2013	8. The person taking the action must publish the analysis under condition 6 on their website.
Original dated 11/2/2013	<p>Direct Offsets</p> <p>9. The person taking the action must register a legally binding conservation covenant over offset areas of no less than:</p> <ul style="list-style-type: none"> a. 9,334 ha of an equivalent or better quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat; and b. 5,532 ha of an equivalent or better quality of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community. <p>Note: the 5,532 ha of White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may be included within the 9,334 ha of offset area for the threatened species if it meets the listing criteria for the EPBC-listed critically endangered ecological community as defined in the EPBC listing advice for that community and the requirements of condition 9.</p>
Original dated 11/2/2013. Correction dated 15/2/2013	10. The person taking the action must verify through independent review the quantity and condition class of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within all proposed offset areas including those proposed in the Environmental Assessment , as defined at <u>Attachment B</u> of these conditions, and any additional offsets as required at condition 9. Details of all independently verified offset areas must be submitted to the Minister for approval by 30 December 2013. The findings of the independent review must be published on the proponent's website.
Original dated 11/2/2013	11. If the independent review finds that the offset areas do not meet the requirements of conditions 9, 12 a and 12 b, then additional areas must be included in the offset areas until all relevant criteria under these conditions are met.
Original dated 11/2/2013	12. The offset areas must be of an overall equivalent or better quality than the areas being cleared. This means: <ul style="list-style-type: none"> a. for White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, offset areas must meet the definition of the ecological community described in the listing advice, and must be of an overall equivalent or better condition class

Date of decision	Conditions attached to approval
	<p>than the areas being cleared, based on the proportion of each condition class represented and other relevant ecological attributes;</p> <p>b. for the threatened species, the quality of the habitat for the species, taking account of its ecological requirements, must be equivalent to or better than the areas being cleared.</p>
As varied on the date of this notice	<p>13. The mechanism/s for registering a legally binding covenant must provide protection for the offset areas in perpetuity and be registered by 31 March 2020.</p> <p>Evidence of compliance with condition 13 must be provided to the Department within 30 day of registering a legally binding covenant.</p>
Original dated 11/2/2013	<p>14. If the person taking the action proposes to undertake any action within areas secured under condition 9, other than those management activities related to managing the offset areas or as set out in the conditions approval, then approval to undertake that action must be obtained in writing from the Minister. In seeking the Minister's approval, the person undertaking the action must provide a detailed assessment of the area where the action is proposed to take place and an assessment of all associated adverse impacts on matters of national environmental significance. If the Minister agrees to the action within the offset areas, the area identified for the action must be excised from the offset area and alternative offsets secured by the person taking the action at a ratio of at least 20:1 in relation to the impact on matters of national environmental significance.</p>
Original dated 11/2/2013	<p>Indirect Offsets</p> <p>15. To compensate for the loss of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must submit to the Minister for approval, within 2 years of the date of this approval, a project plan to invest \$1 million for research that will identify effective methodologies for achieving rehabilitation and restoration of functioning White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community on mining sites. The research must be undertaken by a third party and be available to industry and governments generally. The approved project plan must be implemented.</p>
As varied on 16/3/2017	<p>16. To compensate for the loss of the habitat for the regent honeyeater, swift parrot and greater long-eared bat the person taking the action must provide \$1.5 million over the life of the approval (comprising \$500,000 for each of the regent honeyeater, swift parrot and greater long-eared bat), to deliver activities that implement priority recovery actions for the regent honeyeater, swift parrot and greater long-eared bat. A detailed project plan governing the timing of the \$1.5 million funding for the activities and outcomes must be developed. The project plan must be submitted to the Minister for approval by 30 April 2017, or otherwise agreed in writing by the Minister. The project plan should demonstrate consultation with relevant species experts, and be consistent with approved National Recovery Plans where they are available, and as agreed with the relevant Recovery Planning Teams. The approved project plan must be implemented.</p>
Original dated 11/2/2013	<p>Offset management plan</p> <p>17. The person taking the action must submit to the Minister for approval an Offset management plan for all of the offset areas, specified in condition 9,</p>

Date of decision	Conditions attached to approval
	<p>within 12 months of the date of this approval. The approved Offset management plan must be implemented.</p> <p>Note: for consistency, the proponent may develop a Biodiversity Management plan that includes the requirements set for managing offsets and set out in these conditions, to align with the requirements of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) and this approval.</p>
Original dated 11/2/2013	<p>18. The <i>Offset management plan</i> must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) a text description and map which clearly defines the location and boundaries of the offset areas. This must be accompanied by the offset attributes and shapefiles; b) a description of the methodology and results of surveys measuring the baseline ecological conditions in the offset areas. This must be consistent with the State and Transition Model and include but not be limited to: <ul style="list-style-type: none"> i. the extent and condition of all vegetation communities, including a description of the structure, floristics and tree age class representation of each community; ii. the extent and condition class of all areas of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community; iii. surveys targeting the regent honeyeater, swift parrot and greater long-eared bat; iv. the extent and quality of all areas of habitat for the regent honeyeater, swift parrot and greater long-eared bat; v. the location of all survey sites (including co-ordinates); vi. photo reference points at survey sites. c) clearly defined ecological management objectives for the offset areas; d) detailed description of all ecological management activities proposed to be undertaken, including maps and/or diagrams showing areas to be managed and the timing of the proposed activities; e) details of ongoing ecological monitoring programs, performance criteria, targets and provisions for adaptive management, including but not limited to: <ul style="list-style-type: none"> i. a set of measurable ecological indicators for detecting changes to the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, including those that may be ascribed to ongoing water stress; ii. a monitoring plan to assess the success of the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent

Date of decision	Conditions attached to approval
	<p>honeyeater, swift parrot and greater long-eared bat. This should include the use of control sites and periodic ecological surveys to be undertaken by a qualified ecologist;</p> <ul style="list-style-type: none"> iii. a list of performance criteria based on the ecological management objectives for the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and habitat for the regent honeyeater, swift parrot and greater long-eared bat; iv. measures to exclude weeds from all offset areas for the period covered by this approval; v. a description of the potential risks to successful management against the performance criteria, and a description of the contingency measures that would be implemented to mitigate against these risks; vi. a process by which to report to the department the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement. <ul style="list-style-type: none"> f) details of all parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor. g) details of the funding requirements for the ongoing management activities, including an estimate of the costs of the activities and details of the parties responsible for funding the activities.
Original dated 11/2/2013	19. Unless otherwise agreed to in writing by the department , the baseline surveys for threatened species must be conducted in accordance with the department's <i>Survey Guidelines for Australia's Threatened Birds</i> and the <i>Survey Guidelines for Australia's Threatened Bats</i> . Subsequent monitoring must be carried out annually at the same time of year as the baseline surveys, unless otherwise agreed to in writing by the department .
Original dated 11/2/2013	<p>Surface and groundwater management plans</p> <p>20. The person taking the action must provide to the Minister for approval, the <i>surface and groundwater management plans</i> as identified in condition 36 of the NSW state government Project Approval dated 23 October 2012 (application number 10_0138). The <i>surface and groundwater management plans</i> must be approved by the Minister prior to commencement of construction.</p>
Original dated 11/2/2013	21. The <i>surface and groundwater management plans</i> must be consistent with the National Water Quality Management Strategy .
Original dated 11/2/2013	22. The person taking the action must, prior to commencement of construction , in collaboration with the proponent to develop and operate the Boggabri Extension (EPBC 2009/5256) and any other approved mines within 20 kilometres (km) of the project area , provide written advice to the Minister demonstrating how the NSW government approved <i>surface and groundwater management plans</i> (condition 20), addresses the cumulative impact of groundwater drawdown as a result of mining and how this may impact on the consequent health of the remnant native vegetation in the

Date of decision	Conditions attached to approval
	<p>Leard State Forest, the Leard State Conservation Area and surrounding areas. In particular the advice must address the following matters:</p> <ol style="list-style-type: none"> a. maximum amount of allowable drawdown in the alluvial aquifer b. drawdown in hard rock c. trigger levels pertaining to drawdown in the alluvial aquifer when corrective actions will be required to be undertaken d. identify the depth of root zone of the native vegetation e. monitoring to assess the ongoing quality and quantity of both surface and groundwater to identify impacts on the native vegetation.
Original dated 11/2/2013	<p>23. The person taking the action must within 6 months of the date of this approval, or such other timeframe specified by the Minister, provide to the Minister a report on:</p> <ol style="list-style-type: none"> a. any updated modelling of surface and groundwater impacts that has been undertaken in preparing the <i>surface and groundwater management plans</i> b. how the <i>surface and groundwater management plans</i> addressed groundwater and surface water impacts on matters of national environmental significance.
Original dated 11/2/2013	<p>Leard Forest Mining Precinct Regional Biodiversity Strategy</p> <p>24. The person taking the action must implement the regional biodiversity strategy as required under condition 41 of the NSW state government project approval dated 23 October 2012 (application number 10_0138). The required scoping report for the development of the strategy must be submitted to the Minister for approval on or before 31 July 2013. The approved strategy must be implemented.</p>
Original dated 11/2/2013	<p>Mine site rehabilitation</p> <p>25. To mitigate the impacts to the White Box-Yellow Box –Blakely's Red Gum Grassy Woodland and Derived Native Grassland and the habitat of the regent honeyeater, swift parrot and greater long-eared bat, the person taking the action must, within 12 months of the commencement of construction, submit to the Minister for approval a <i>mine site rehabilitation plan</i> for the progressive rehabilitation and revegetation of no less than 1665 ha of native forest and woodland (less the portion included in the biodiversity corridor identified in condition 3) in the project area including 544 ha using species consistent with a White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. This approved <i>mine site rehabilitation plan</i> must be implemented.</p>
Original dated 11/2/2013	<p>26. The person taking the action must:</p> <ol style="list-style-type: none"> a. rehabilitate the site to be consistent with the proposed rehabilitation strategy as provided in the Environmental Assessment and, as required under the NSW State Government approval dated 23 October 2012 (Application 10_0138); and b. not replace top soil and sub soil layers at a depth less than the minimum depths determined through pre-stripping soil surveys as described in condition 27(c).

Date of decision	Conditions attached to approval
	<p>Note: the NSW state government Project Approval dated 23 October 2012 (application number 10_0138) conditions require pre-stripping soil surveys and inventories to inform the availability, rehandling, stockpiling and management of soils, and maximising the salvaging of soil to be used, in the rehabilitation of the site.</p>
<p>Original dated 11/2/2013</p>	<p>27. The <i>mine site rehabilitation plan</i> must include, at a minimum, the following information:</p> <ol style="list-style-type: none"> a. targets and performance indicators to achieve effective restoration of potential habitat for the regent honeyeater, swift parrot and greater long-eared bat and White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community, including weed management; b. details of the vegetation communities to be rehabilitated and the timing of progressive rehabilitation (commencing as soon as practicable following disturbance); c. detailed soil depth surveys and analysis to inform the effective placement and restoration of soils underlying the proposed rehabilitation sites; including mapping of soils across the disturbance sites and soil sampling at no less than one sample point per 20 ha of each soil type identified. Sampling must identify; type, depth, water holding capacity, structure and physio-chemical properties of each of the soil and subsoil layers; d. processes and methodologies for the removal, storage and re-layering of the top soil and sub soil layers underlying the disturbed sites being prepared for rehabilitation. These processes and methodologies must ensure the replacement of top soil and sub soil layers: <ul style="list-style-type: none"> • meet the minimum depth requirements determined from sampling outcomes as identified in condition 27(c); and • replicate other existing soil parameters including, but not limited to, soil type, water holding capacity, structure and physio-chemical properties. e. a process to report annually to the department the rehabilitation management actions undertaken and the outcome of those actions, and the mechanisms to be used to identify the need for improved management; f. a description of the potential risks to successful management and rehabilitation on the project site, including weed invasion, and a description of the contingency measures that would be implemented to mitigate these risks; g. details of long-term management and protection of the mine site, including details of the commitment of funds to achieve this.
<p>Original dated 11/2/2013</p>	<p>28. The <i>mine site rehabilitation plan</i> must be subject to an independent review by a qualified ecologist prior to being submitted to the Minister for approval. The findings of the independent review must be published on the proponent's website.</p>

Date of decision	Conditions attached to approval
Original dated 11/2/2013	<p>Final Landform</p> <p>Note: for consistency, the person taking the action may develop a single mine rehabilitation plan to align with the requirements, including timing of reporting, of the NSW State Government approval dated 23 October 2012 (Application 10_0138) and this approval. The Offset Management Plan and the Rehabilitation management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</p> <p>29. The person taking the action must undertake rehabilitation to ensure the final landform provides the optimum opportunity for the successful restoration of native forest and woodland including the critically endangered White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.</p> <p>Note: for consistency, the proponent may develop a single mine rehabilitation plan to align with the requirements of the NSW Government and this approval. The Offset Management Plan and the Rehabilitation management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</p>
Original dated 11/2/2013	<p>30. The person taking the action must undertake rehabilitation to ensure the final void and landform minimises the extent of any resulting pit lake, avoids salt scalding and ensures that drained waters do not adversely affect the downstream environment and avoids any impacts on matters of national environmental significance.</p> <p>Note: the State approval conditions for project 10_0138 require the preparation and implementation of an updated Final Void and Mine Closure Plan that considers interactions with the adjoining mines, including interaction between final voids, opportunities for integrated mine planning with adjoining mines to minimise environmental impacts, all reasonable and feasible landform options for the final void (including filling) and predicted hydrochemistry and hydrogeology (including long-term groundwater recovery and void groundwater quality).</p>
Original dated 11/2/2013	<p>Survey data</p> <p>31. All survey data collected for the project must be recorded so as to conform to data standards notified from time to time by the department. When requested by the department, the proponent must provide to the department all species and ecological survey data and related survey information from ecological surveys undertaken for matters of national environmental significance. This survey data must be provided within 30 business days of request, or in a timeframe agreed to by the department in writing. The department may use the survey data for other purposes.</p>
Original dated 11/2/2013	<p>32. In the event that any additional matters of national environmental significance are recorded within the project area and a significant impact on the matter/s is likely, the department must be notified in writing within 14 days of the matter/s being recorded. In accordance with condition 37, the Minister may request that the person taking the action revise any relevant plans to ensure better protection of the relevant matter/s.</p>

Date of decision	Conditions attached to approval
Original dated 11/2/2013	<p>Reporting and auditing</p> <p>33. 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>
Original dated 11/2/2013	<p>34. By the end of March of each year after the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the department at the same time as the compliance report is published.</p>
Original dated 11/2/2013	<p>35. 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>
Original dated 11/2/2013	<p>36. 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 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.</p>
Original dated 11/2/2013	<p>37. 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.</p>
Original dated 11/2/2013	<p>38. 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.</p>
Original dated 11/2/2013	<p>Publication of plans</p> <p>39. 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. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, 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.</p>

Date of decision	Conditions attached to approval
Original dated 11/2/2013	40. 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.

Date of decision	Definitions attached to approval
Original dated 11/2/2013 Corrected dated 15/2/2013	<p>Biodiversity corridor – an area of native vegetation at least 250 m wide that has not been previously cleared for mining, which links the existing native vegetation to the east and west of the Maules Creek and Boggabri coal mine leases and is located within the Maules Creek coal mine lease where it is adjacent to the Boggabri coal mine lease boundary. The purpose is to ensure that a minimum 500 m wide native vegetation corridor is maintained between the Boggabri and Maules Creek mines and that any alternative corridor <i>provides equivalent or better ecosystem functionality (including habitat for the regent honeyeater, swift parrot and greater long-eared bat)</i>.</p> <p>Commencement of construction – the commencement of any activities within the project area which are included in this approval.</p> <p>Condition class – One of three states in which the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community may exist, as defined within the Commonwealth listing advice for the listing of this ecological community as critically endangered under the EPBC Act.</p> <p>Department - the Australian Government Department responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>Environmental Assessment – The Maules Creek Coal Project Environmental Assessment July 2011, prepared by Hansen Bailey for Aston Coal 2 Pty Ltd, and submitted as part of the approval documents for the Maules Creek Coal Project.</p> <p>Habitat – areas in which a species or community is known to occur or is thought to have the potential to occur based on the biophysical conditions prevailing in the area and the ecological requirements of the species or community.</p> <p>Independent review – an investigation conducted by an independent expert ecologist who has been approved by the department.</p> <p>Minister - the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and includes a delegate of the Minister</p> <p>Matters of national environmental significance – all matters listed under Part 3 of the EPBC Act</p> <p>Offset areas – areas that are proposed to meet the criteria set out in conditions 9, 10, 11, 12 and 13 of the approval, to offset the impacts of the action on matters of national environmental significance.</p> <p>Offset attributes -means an '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.</p> <p>Project area – the area defined by the Maules Creek Coal Mine Project EPBC Act referral (EPBC Act reference 2010/5566) as lying within the Project Application Boundary.</p> <p>Shapefiles -means an ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC</p>

Date of decision	Definitions attached to approval
	<p>reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.</p> <p>State and Transition Model – Section 3.2 of <i>A Guide to Managing Box Gum Grassy Woodlands</i> (Caring for our Country Environmental Stewardship, 2010), depicts the different condition states (as reflected by disturbance, inputs and altered land use) in which a given vegetation can exist. This publication can be found at: http://www.nrm.gov.au/resources/publications/stewardship/bggw-handbook.html</p> <p>Substantially commence the action – means the extraction of coal from the Maules Creek Coal Mine Project for the purpose of commercial production. Substantial commencement does not include test extraction or extraction of coal samples for quality assurance.</p>

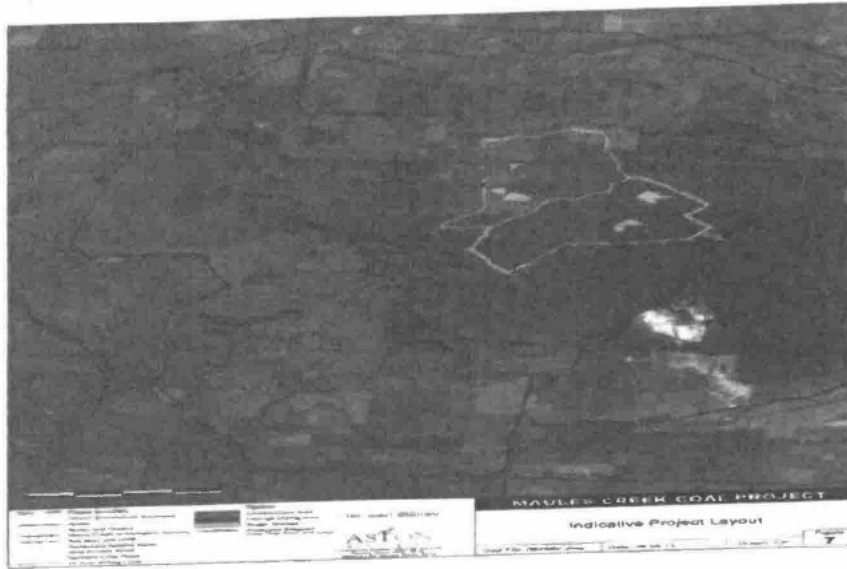


Table 11. Summary of Proposed Activities, Construction Areas, and Other Features for the Navler Creek Coal Project. The table provides a detailed overview of the project's components, including construction areas, other features, and their respective locations and descriptions.

Proposed Activity (Activity ID)	Activity Name	Location (Township and Range)	Activity Description	Proposed Activity Details			Other Features			Construction Areas			Other Features				
				Activity ID	Activity Name	Location (Township and Range)	Activity Description	Activity ID	Activity Name	Location (Township and Range)	Activity Description	Activity ID	Activity Name	Location (Township and Range)	Activity Description	Activity ID	Activity Name
101	101	101	101	101	101	101	101	101	101	101	101	101	101	101	101	101	101
102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102	102
103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103	103
104	104	104	104	104	104	104	104	104	104	104	104	104	104	104	104	104	104
105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105	105
106	106	106	106	106	106	106	106	106	106	106	106	106	106	106	106	106	106
107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107	107
108	108	108	108	108	108	108	108	108	108	108	108	108	108	108	108	108	108
109	109	109	109	109	109	109	109	109	109	109	109	109	109	109	109	109	109
110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110	110
111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111
112	112	112	112	112	112	112	112	112	112	112	112	112	112	112	112	112	112
113	113	113	113	113	113	113	113	113	113	113	113	113	113	113	113	113	113
114	114	114	114	114	114	114	114	114	114	114	114	114	114	114	114	114	114
115	115	115	115	115	115	115	115	115	115	115	115	115	115	115	115	115	115
116	116	116	116	116	116	116	116	116	116	116	116	116	116	116	116	116	116
117	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117	117
118	118	118	118	118	118	118	118	118	118	118	118	118	118	118	118	118	118
119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119
120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120

ASTON CONSULTING INC. 10000 100th Street, Edmonton, Alberta T5A 0A6, Canada. Phone: (780) 443-1111. Fax: (780) 443-1112. Email: info@astonconsulting.com

s22

From: s22
Sent: Friday, 13 December 2019 3:27 PM
To: s22
Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]
Attachments: 20191206 Letter to Whitehaven Coal Ltd - BCT Support for time extensionpdf, -AH I
FW: Biodiversity offsets

Cheers

s22

Post Approvals Section
Assessment & Post Approvals Branch
Department of the Environment and Energy
T s22

From: s47F
Sent: Friday, 13 December 2019 3:00 PM
To: s22 Post Approval <PostApproval@environment.gov.au>
Cc: s22 s47F
Subject: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22

s22

As discussed at our Progress Meeting discussing the Securement of Whitehaven Coal Biodiversity Offsets on 8th November 2019, Whitehaven has been working with the NSW BCT and NSW Department of Planning, Infrastructure and Environment (DPIE) to finalise the securing and registration of the Maules Creek, s22 and s22 Biodiversity Offset Areas by the required 31st March 2020 in accordance with the respective EPBC Approvals 2010/5566, s22 and s22.

The NSW BCT has provided advice to WHC, DPI&E and DoEE that the securing and registration process would necessarily extend beyond March 2020; however working within their current constraints and allowing for variables and dependencies, BCT advice anticipates that all securing could be completed by the end of March 2021.

In accordance with advice provided by the NSW BCT and DPIE (refer to attached), Whitehaven request a variation in timing for biodiversity offset securement to the 31st March 2021 for the following EPBC approvals:-

- s22
- EPBC 2010/5566 Condition 13 – Maules Creek Coal Mine, and
- s22

The Department's earliest consideration of this request would be appreciated, and please contact me should you have any queries.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: +s47F Mobile: +s47F
Email: s47F www.whitehavencoal.com.au



WHITEHAVEN COAL

s22

From: s47F >
Sent: Monday, 9 December 2019 2:34 PM
To: s47F
Subject: FW: Biodiversity offsets

FYI

s47F
Group Manager - Approvals and Environment

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



From: s22 >
Sent: Monday, 9 December 2019 2:13 PM
To: s47F
Subject: Biodiversity offsets

[Report This Email](#)

s47F feel free to forward this email to DoEE.

I understand that Whitehaven is seeking approval from the Department of Environment and Energy for an extension of time to secure its biodiversity offset lands, as required under EPBC Act Approvals 2010/5566, s22 and s22.

I note that Whitehaven Coal has been liaising with the Biodiversity Conservation Trust to finalise long term security for the biodiversity offset areas by way of Voluntary Conservation Agreements (VCAs), and that this is an approved mechanism for securing the offsets.

The Department acknowledges that Whitehaven Coal has exercised reasonable endeavours to secure the offsets, and that the process is complex and may require additional time to finalise.

Regards

s22

Team Leader

Energy & Resources | Department of Planning, Industry and Environment

s22 | E s22

320 Pitt Street, Sydney NSW 2000

www.dpie.nsw.gov.au



Planning,
Industry &
Environment

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



11 December 2019

Our ref: DOC19/1065780

Mr s47F
Group Manager, Approvals and Environment
Whitehaven Coal Limited
231 Conadilly Street
GUNNEDAH NSW 2380

Dear Tony,

Conservation Agreements for Maules Creek, s22 and s22 offset

The Biodiversity Conservation Trust is committed to working with Whitehaven Coal to secure offsets land under Conservation Agreements. We are currently developing Conservation Agreements for Maules Creek Coal (PA10_0138), s22 and s22.

We support Whitehaven Coal in your application for variation to the required completion date for these offsets under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for the Maules Creek Coal Mine Project (EPBC 2010/5566), s22 and s22.

Consistent with our commitment to Whitehaven Coal, the Biodiversity Conservation Trust (BCT) has been continuing our work to deliver conservation agreements that define the area, describe the site, detail management actions and outline monitoring plans.

One Conservation Agreement, s22, covering 1,244 hectares has been registered. A further 12 Conservation Agreements are completed or in final draft covering over 5,625 hectares. These are in the final stages of development or signing and will be registered in 2020.

The timeframes for Conservation Agreement finalisation have, amongst other things, been impacted by terrible seasonal conditions this year impacting the ability to adequately describe the site. Both severe drought and fire have impacted areas of land which are going under Conservation Agreements. The BCT will also continue to work with Whitehaven Coal to ensure the conservation values of the sites are adequately described.

Working within our current constraints and allowing for variables and dependencies, the BCT predicts we will have completed a further 11 Conservation Agreements over and additional 11,750 hectares by the end of 2020. Securing Whitehaven Coal biodiversity offsets is likely to be achieved in entirety by March 2021.

The BCT supports your applications to the Commonwealth Department of Energy and Environment and the NSW Department of Planning, Industry and Environment for variations to relevant approvals to permit time extensions to allow offset areas to be secured.

Yours sincerely,

Paul Elton
Chief Executive Officer

Regional Office: Inverell
7023 Gwydir Highway
Inverell NSW 2360
PO Box 299A, Inverell NSW 2360

www.bct.nsw.gov.au

email: info@bct.nsw.gov.au

phone: 1300 992 688

NSWBCT BCT_NSW

s22

From: s47F >
Sent: Thursday, 5 March 2020 3:05 PM
To: s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566 s22 and s22 ; [SEC=OFFICIAL]
Attachments: 27.10 WHC Conservation Agreement Status & Schedule.xlsx

J

s22

Thank you for your time on Monday.

Although WHC remains of the view that the BCT's time prediction for securement may be optimistic, and reflect a best case timeline, we appreciate that a time extension based on contingency is not preferred by the Department and as such are accepting of retaining application for 30 March 2021 for all properties other than the Rocklea property.

With respect to the Maules EPBC Act Approval, WHC also requests that condition 13 be varied so as to impose a different deadline of 15 December 2022 to secure the Rocklea property offset. That is, condition 13 would impose two deadlines: a deadline of 30 March 2021 for securing the offset areas (excluding the Rocklea property) and a deadline of 15 December 2022 for securing the Rocklea property offset.

As requested please find attached current estimated securement schedule.

Please contact me should you have any queries.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia

s47F

Email: s47F www.whitehavencoal.com.au



From: s22
Sent: Monday, 2 March 2020 2:10 PM
To: s47F s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Good with me – I have sent you both a meeting

s22

From: s47F >
Sent: Monday, 2 March 2020 2:00 PM
To: s22 >
Cc: s47F >
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

Im back in the office this afternoon. Would 3pm be convenient for s47F and I call you on your landline?

Regards

s47F
Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
s47F
Email: s47F www.whitehavencoal.com.au



From: s22
Sent: Monday, 2 March 2020 8:13 AM
To: s47F
s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Tuesday will be fine

From: s22
Sent: Monday, 2 March 2020 8:12 AM
To: s47F
Cc: s47F s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

Hi s47F

Thanks for your email.

Can you ring me today to discuss

Thanks

s22
Post Approvals Section
Department of Agriculture, Water and the Environment
s22

From: s47F
Sent: Friday, 28 February 2020 10:59 AM
To: s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request In accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

As you know, the NSW Biodiversity Conservation Trust (BCT) has predicted that, working within its current constraints and allowing for variables and dependencies, the required offset areas for Maules Creek Coal Mine (MCCM), s22 and s22 will likely be secured by March 2021.

However, based on past history, WHC considers that BCT's prediction may be optimistic and reflect a best case timeline. For example, this prediction may not account for any delay associated with additional changes to BCT's vegetation mapping requirements.

As such, WHC considers it prudent to request that the deadline for securing the offset areas for MCCM, s22 and s22 be extended to 30 September 2021 (rather than March 2021). This would ensure that the deadline includes a reasonable allowance for timetable slippage beyond the control of WHC.

With respect to the Maules EPBC Act Approval, WHC also requests that condition 13 be varied so as to impose a different deadline of 15 December 2023 to secure the Rocklea property offset. That is, condition 13 would impose two deadlines: a deadline of 30 September 2021 for securing the offset areas (excluding the Rocklea property) and a deadline of 15 December 2023 for securing the Rocklea property offset.

As you know, the Rocklea property is a joint offset property, part of which will be relied on as an offset for MCCM and part of which will be relied on as an offset for the s22. Given this, WHC considers that the deadline for securing this offset property should be the same under the MCCM EPBC Act Approval and the s22 EPBC Act Approval.

WHC understands that the proposed deadline for the s22 to secure its offsets will be 15 December 2023. If this is correct, then WHC requests that condition 13 of the MCCM EPBC Act Approval imposes the same deadline for securing the Rocklea property.

Regards,

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: +s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



From: s22
Sent: Friday, 21 February 2020 9:13 AM
To: s47F, s22
Cc: s47F

Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Ok thanks – once I have that I can finalise a brief. In regard to other similar requests, the delegate will be keen to have some up to date timelines to support your request.

Happy to discuss next week.

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s47F

Sent: Friday, 21 February 2020 9:06 AM

To: s22

Cc: s47F

Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s47F and s47F [SEC=OFFICIAL]

s22

Just a quick note to say that I havent forgotten about your request, apologies for the delay as I am still waiting for internal feedback on what we had discussed but as soon as I have that, Whitehaven will give you a response on current update to Conservation Agreement progress and implications for timing and our current extension variation request.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited

231 Conadilly Street, Gunnedah NSW 2380 Australia

Tel: s47F Mobile: s47F

Email: s47F www.whitehavencoal.com.au



WHITEHAVEN COAL

From: s22

Sent: Monday, 10 February 2020 2:03 PM

To: s47G(1)(a)

Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

Caution (External, s22)

First-Time Sender [Details](#)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

Hi s47F

I am starting to work on the below request and would like to discuss the timing, and also whether there has been any change since December.

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s22

Sent: Tuesday, 28 January 2020 12:20 PM

To: s22

Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

Cheers

s22

Post Approvals Section
Assessment & Post Approvals Branch
Department of the Environment and Energy
T s22

From: s47F

Sent: Friday, 13 December 2019 3:00 PM

To: s22; Post Approval <PostApproval@environment.gov.au>

s22; s47F

s47F >

Subject: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 3 and s22

s22

As discussed at our Progress Meeting discussing the Securement of Whitehaven Coal Biodiversity Offsets on 8th November 2019, Whitehaven has been working with the NSW BCT and NSW Department of Planning, Infrastructure and Environment (DPIE) to finalise the securing and registration of the Maules Creek, s22 and s22 Mine Biodiversity Offset Areas by the required 31st March 2020 in accordance with the respective EPBC Approvals 2010/5566, s22 and s22.

The NSW BCT has provided advice to WHC, DPI&E and DoEE that the securing and registration process would necessarily extend beyond March 2020; however working within their current constraints and allowing for variables and dependencies, BCT advice anticipates that all securing could be completed by the end of March 2021.

In accordance with advice provided by the NSW BCT and DPIE (refer to attached), Whitehaven request a variation in timing for biodiversity offset securement to the 31st March 2021 for the following EPBC approvals:-

- s22
- EPBC 2010/5566 Condition 13 – Maules Creek Coal Mine, and
- s22

The Department's earliest consideration of this request would be appreciated, and please contact me should you have any queries.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited

231 Conadilly Street, Gunnedah NSW 2380 Australia

Tel: s47F Mobile: s47F

Email: s47F www.whitehavencoal.com.au



WHITEHAVEN COAL

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

		Conservation Agreement has been Secured and Complete			Bold		Best current estimate of timing as at 5th March 2020				
Company	Conservation Agreement (CA) ID	Offset Property	Conservation Agreement Secured (Biodiversity Offset) Area (Hectares)	% Area	Conservation Agreement Application Submitted by WHC to BCT	Cadastral Surveyed Date	Conservation Agreement Template provided by BCT to WHC	Conservation Agreement Finalised and sent to WHC for Signing	Conservation Agreement Signed by WHC & BCT then Lodged with LRS	Conservation Agreement Registered on Land Title by LRS	
Maules Creek Coal (Joint Venture between Aston Coal 2 Pty Ltd (WHC) 75%, ICRA MC Pty Ltd 15%, J-Power Australia Pty Ltd 10%)											
Biodiversity Offset Area approved by NSW Project Approval ID_0138 and Commonwealth EPBC Approval 2010/5566											
Maules Creek Coal	VCA0487	Kelso	489,497	3.5%	26-Jul-17	16-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal		Velyama	702,609	5.1%	26-Jul-17	8-May-19	25-Sep-18	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal	VCA0488	Louenville	213,115	1.5%	26-Jul-17	14-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal		Olivedeen	90,956	0.7%	26-Jul-17	11-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal	VCA0489	Roseglass	1465,357	10.6%	7-May-18	31-Aug-18	5-Mar-19	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal		Bimbooria	622,563	4.5%	7-May-18	31-Aug-18	5-Mar-19	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal	VCA0491	Teston North	293,794	2.1%	26-Jul-17	16-Dec-18	1-Mar-19	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal		Teston South	336,229	2.4%	26-Jul-17	1-Apr-19	1-Mar-19	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal		Tralee	205,232	1.5%	26-Jul-17	20-Dec-18	1-Mar-19	30-Sep-19	24-Feb-20	May 2020	
Maules Creek Coal	VCA0490	Wollandilly	804,464	5.8%	26-Jul-17	20-Nov-18	1-Mar-19	30-Jan-20	April 2020	July 2020	
Maules Creek Coal	VCA0492	Onavale	557,761	4.0%	7-May-18	10-Apr-19	1-Mar-19	30-Jan-20	April 2020	July 2020	
Maules Creek Coal	CA0234	Wirradale and Wongala South	4446,681	32.2%	26-Jul-17	31-Aug-18	16-Dec-19	April 2020	July 2020	October 2020	
Maules Creek Coal	CA0235	Mount Lindsay	2337,140	16.9%	26-Jul-17	31-Aug-18	16-Dec-19	April 2020	July 2020	October 2020	
Maules Creek Coal	TBA	Cattle Plain	213,039	1.5%	25-Feb-20	15-Nov-18	TBA	May 2020	August 2020	November 2020	
	TBA	Thornfield	171,336	1.2%	25-Feb-20	31-Jul-19	TBA	May 2020	August 2020	November 2020	
	TBA	Ellerslie	60,223	0.4%	25-Feb-20	10-May-19	TBA	May 2020	August 2020	November 2020	
	TBA	Ferndale	45,203	0.3%	25-Feb-20	10-May-19	TBA	May 2020	August 2020	November 2020	
Maules Creek Coal (Joint Venture between Maules Creek Coal Pty Ltd (WHC) 50% and s22 50%)											
Biodiversity Offset Area approved by (Maules Creek Coal 50%) NSW Project Approval ID_0138 and Commonwealth EPBC Approval 2010/5566 and s22											
Maules Creek Coal 50% and s22	CA0236	Rocklea	759,500	5.5%	26-Jul-17	18-Feb-20	16-Dec-19	December 2021	June 2022	December 2022	

s22

Conservation Agreement has been Secured and Complete				Best current estimate of timing as at 17th March 2020					
Conservation Agreement (CA) ID	Offset Property	Conservation Agreement Secured (Biodiversity Offset) Area (Hectares)	% Area	Conservation Agreement Application Submitted by WHC to BCT	Cadastral Surveyed Date	Conservation Agreement Template provided by BCT to WHC	Conservation Agreement Finalised and sent to WHC for Signing	Conservation Agreement Signed by WHC & BCT then Lodged with LRS	Conservation Agreement Registered on Land Title by LRS
Maules Creek Coal (Joint Venture between Aston Coal 2 Pty Ltd (WHC) 75%, ICRA MC Pty Ltd 15%, I-Power Australia Pty Ltd 10%) Biodiversity Offset Area approved by NSW Project Approval 10_0138 and Commonwealth EPBC Approval 2010/5566									
VCA0487	Kelso	489.497	3.5%	26-Jul-17	16-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	March 2020
	Velyama	702.609	5.1%	26-Jul-17	8-May-19	25-Sep-18	30-Sep-19	24-Feb-20	March 2020
	Louenville	213.115	1.5%	26-Jul-17	14-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	March 2020
VCA0488	Olivedeen	90.956	0.7%	26-Jul-17	11-Aug-18	25-Sep-18	30-Sep-19	24-Feb-20	March 2020
VCA0489	Steeple	4965.957	36.8%	7-May-18	25-Aug-18	5-Mar-19	30-Sep-19	24-Feb-20	March 2020
	Steeple	642.545	4.7%	7-May-18	31-Aug-18	5-Mar-19	30-Sep-19	24-Feb-20	March 2020
	Steeple	255.751	1.9%	26-Jul-17	26-Sep-18	1-Mar-19	30-Sep-19	24-Feb-20	March 2020
VCA0491	Woollybutt	336.219	2.5%	26-Jul-17	1-Sep-18	3-Mar-19	30-Sep-19	24-Feb-20	March 2020
	Woollybutt	295.231	2.2%	26-Jul-17	28-Dec-18	1-Mar-19	30-Sep-19	24-Feb-20	March 2020
VCA0490	Wollandilly	804.464	5.8%	26-Jul-17	20-Nov-18	1-Mar-19	30-Jan-20	16-Mar-20	May 2020
VCA0492	Onavale	557.761	4.0%	7-May-18	10-Apr-19	1-Mar-19	30-Jan-20	16-Mar-20	May 2020
CA0234	Wirradale and Wongaia South	4446.681	32.2%	26-Jul-17	31-Aug-18	16-Dec-19	April 2020	July 2020	August 2020
CA0235	Mount Lindsay	2337.140	16.9%	26-Jul-17	31-Aug-18	16-Dec-19	April 2020	July 2020	August 2020
CA0267	Cattle Plain	213.039	1.5%	25-Feb-20	15-Nov-18	9-Mar-20	May 2020	August 2020	September 2020
CA0268	Thornfield	171.336	1.2%	25-Feb-20	31-Jul-19	9-Mar-20	May 2020	August 2020	September 2020
CA0269	Ellerslie	60.223	0.4%	25-Feb-20	10-May-19	9-Mar-20	May 2020	August 2020	September 2020
CA0270	Ferndale	45.203	0.3%	25-Feb-20	10-May-19	9-Mar-20	May 2020	August 2020	September 2020
Maules Creek Coal (Joint Venture between Maules Creek Coal Pty Ltd (WHC) 50% and s22 50%) Biodiversity Offset Area approved by (Maules Creek Coal 50%) NSW Project Approval 10_0138 and Commonwealth EPBC Approval 2010/5566 and s22									
CA0236	Rocklea	759.500	5.5%	26-Jul-17	18-Feb-20	16-Dec-19	December 2021	June 2022	December 2022

s22



s22

From: s47F
Sent: Tuesday, 17 March 2020 4:57 PM
To: s22
Cc: s47F; s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22; and s22 [SEC=OFFICIAL]

s22

OK, Whitehaven accepts the revised text as proposed by the Department in the draft variation notices.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



WHITEHAVEN COAL

From: s22
Sent: Tuesday, 17 March 2020 4:51 PM
To: s47F
Cc: s47F; s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Hi

Our preference is not to split the reporting requirement – now that s22 is secured, all you would need to do is regularly update the spreadsheet for the offsets and **only** change the details for the unsecured ones.

Happy to talk tomorrow.

Regards

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s22

Sent: Tuesday, 17 March 2020 4:38 PM

To: s22

Cc: s47F

n.au> s22

s22

Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

Thanks again for allowing Whitehaven to review proposed draft variation notices for EPBC Act Approvals 2010/5566,

s22

Whitehaven generally accepts the revised text proposed in the draft variation notices: s22

s22

s22

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited

231 Conadilly Street, Gunnedah NSW 2380 Australia

Tel: s47F

Mobile: s47F

Email: s47F

www.whitehavencoal.com.au



WHITEHAVEN COAL

From: s22

Sent: Tuesday, 17 March 2020 2:07 PM

To: s47F

Cc: s47F

J> s22

s22

Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Great thanks

s22

From: s47F
Sent: Tuesday, 17 March 2020 1:43 PM
To: s22
Cc: s47F; s22
s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

Thanks s22 – s47F and I will review and get back to you shortly.

As discussed yesterday, the BCT have advised Whitehaven that the Maules Creek Biodiversity Offset Area properties Teston North, Teston South, Tralee, Roseglass and Bimbooria have been secured using Conservation Agreements (see attached) under Part 4 Division 12 of the National Parks and Wildlife Act 1974 in accordance with EPBC Act Approval 2010/5566 Condition 13. I will separately notify DAWE Compliance (as for s22

Given that 5 Maules Offset properties have been secured and it is likely a further 4 properties will be secured by the end of this month; that will leave 9 out of the total 18 Maules Offset properties still needing to be secured after the 31st March 2020. As requested; I have updated and attached the revised status and schedule of all WHC Conservation Agreements in progress to date.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



From: s22
Sent: Tuesday, 17 March 2020 1:31 PM
To: s47F
Cc: s47F; s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Hi s47F

I attach draft variation notices (without attachments) for you to review.

You will note that we have introduced a status reporting requirement in each notice to ensure that we can all be kept up to date and anticipate any further variations. I believe that this can be fulfilled by regularly updating the table you have provided as part of this exercise.

I stress that these are drafts developed by myself and s22 they may change once the delegate reviews the brief and drafts. However, it will expedite matters if you could advise any issues now.

Finally it was good to hear from you yesterday that further progress has been made. I hope to finalise a brief prior to going on leave COB Friday and that information will be good to include.

Happy to discuss

Regards

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s47F

Sent: Thursday, 5 March 2020 3:05 PM

To: s22

Cc: s47F

Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

Thank you for your time on Monday.

Although WHC remains of the view that the BCT's time prediction for securement may be optimistic, and reflect a best case timeline, we appreciate that a time extension based on contingency is not preferred by the Department and as such are accepting of retaining application for 30 March 2021 for all properties other than the Rocklea property.

With respect to the Maules EPBC Act Approval, WHC also requests that condition 13 be varied so as to impose a different deadline of 15 December 2022 to secure the Rocklea property offset. That is, condition 13 would impose two deadlines: a deadline of 30 March 2021 for securing the offset areas (excluding the Rocklea property) and a deadline of 15 December 2022 for securing the Rocklea property offset.

As requested please find attached current estimated securement schedule.

Please contact me should you have any queries.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: +s22 Mobile: s22
Email: s47F www.whitehavencoal.com.au



From: s22

Sent: Monday, 2 March 2020 2:10 PM

To: s47F; s22

Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Good with me – I have sent you both a meeting

s22

From: s47F
Sent: Monday, 2 March 2020 2:00 PM
To: s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

Im back in the office this afternoon. Would 3pm be convenient for s47F and I call you on your landline?

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



From: s22
Sent: Monday, 2 March 2020 8:13 AM
To: s47F
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Tuesday will be fine

From: s22
Sent: Monday, 2 March 2020 8:12 AM
To: s47F
Cc: s22 > s22
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

Hi s47F

Thanks for your email.

Can you ring me today to discuss

Thanks

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s47F

Sent: Friday, 28 February 2020 10:59 AM

To: s22

Cc: s47F

Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

As you know, the NSW Biodiversity Conservation Trust (BCT) has predicted that, working within its current constraints and allowing for variables and dependencies, the required offset areas for Maules Creek Coal Mine (MCCM), s22 and s22 will likely be secured by March 2021.

However, based on past history, WHC considers that BCT's prediction may be optimistic and reflect a best case timeline. For example, this prediction may not account for any delay associated with additional changes to BCT's vegetation mapping requirements.

As such, WHC considers it prudent to request that the deadline for securing the offset areas for MCCM, s22 and s22 be extended to 30 September 2021 (rather than March 2021). This would ensure that the deadline includes a reasonable allowance for timetable slippage beyond the control of WHC.

With respect to the Maules EPBC Act Approval, WHC also requests that condition 13 be varied so as to impose a different deadline of 15 December 2023 to secure the Rocklea property offset. That is, condition 13 would impose two deadlines: a deadline of 30 September 2021 for securing the offset areas (excluding the Rocklea property) and a deadline of 15 December 2023 for securing the Rocklea property offset.

As you know, the Rocklea property is a joint offset property, part of which will be relied on as an offset for MCCM and part of which will be relied on as an offset for the s22. Given this, WHC considers that the deadline for securing this offset property should be the same under the MCCM EPBC Act Approval and the s22 EPBC Act Approval.

WHC understands that the proposed deadline for the s22 to secure its offsets will be 15 December 2023. If this is correct, then WHC requests that condition 13 of the MCCM EPBC Act Approval imposes the same deadline for securing the Rocklea property.

Regards,

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2380 Australia
Tel: s47F Mobile: s47F
Email: s47F .au www.whitehavencoal.com.au



WHITEHAVEN COAL

From: s22
Sent: Friday, 21 February 2020 9:13 AM
To: s47F; s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

[Report This Email](#)

Ok thanks – once I have that I can finalise a brief. In regard to other similar requests, the delegate will be keen to have some up to date timelines to support your request.

Happy to discuss next week.

s22
Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s47F
Sent: Friday, 21 February 2020 9:06 AM
To: s22
Cc: s47F
Subject: RE: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 and s22 [SEC=OFFICIAL]

s22

Just a quick note to say that I havent forgotten about your request, apologies for the delay as I am still waiting for internal feedback on what we had discussed but as soon as I have that, Whitehaven will give you a response on current update to Conservation Agreement progress and implications for timing and our current extension variation request.

Regards

s47F

Group Superintendent – Biodiversity

Whitehaven Coal Limited
231 Conadilly Street, Gunnedah NSW 2390 Australia
Tel: s47F Mobile: s47F
Email: s47F www.whitehavencoal.com.au



WHITEHAVEN COAL

From: s22
Sent: Monday, 10 February 2020 2:03 PM
To: s47F

Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 } and s22 [SEC=OFFICIAL]

Caution (External, s22)

First-Time Sender [Details](#)

[Report This Email](#) [FAQ](#) [Protection by INKY](#)

Hi s47F

I am starting to work on the below request and would like to discuss the timing, and also whether there has been any change since December.

s22

Post Approvals Section
Department of Agriculture, Water and the Environment

s22

From: s47F

Sent: Tuesday, 28 January 2020 12:20 PM

To: s22

Subject: FW: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 } and s22 [SEC=OFFICIAL]

Cheers

s22

Post Approvals Section
Assessment & Post Approvals Branch
Department of the Environment and Energy

s22

From: s47F

Sent: Friday, 13 December 2019 3:00 PM

To: s22 <>; Post Approval <PostApproval@environment.gov.au>

Cc: s22 ; s47F

s47F

Subject: [27.10] Whitehaven Coal Biodiversity Offset Securement Extension Request in accordance with EPBC Act Approvals 2010/5566, s22 } and s22 }

s22

As discussed at our Progress Meeting discussing the Securement of Whitehaven Coal Biodiversity Offsets on 8th November 2019, Whitehaven has been working with the NSW BCT and NSW Department of Planning, Infrastructure and Environment (DPIE) to finalise the securing and registration of the Maules Creek, s22 } and s22 } Biodiversity Offset Areas by the required 31st March 2020 in accordance with the respective EPBC Approvals 2010/5566, s22 } and s22 }.

The NSW BCT has provided advice to WHC, DPI&E and DoEE that the securing and registration process would necessarily extend beyond March 2020; however working within their current constraints and allowing for variables and dependencies, BCT advice anticipates that all securing could be completed by the end of March 2021

In accordance with advice provided by the NSW BCT and DPIE (refer to attached), Whitehaven request a variation in timing for biodiversity offset securement to the 31st March 2021 for the following EPBC approvals:-

- s22 [REDACTED]
- EPBC 2010/5566 Condition 13 – Maules Creek Coal Mine, and
- s22 [REDACTED]

The Department's earliest consideration of this request would be appreciated, and please contact me should you have any queries.

Regards

s47F [REDACTED]

Group Superintendent – Biodiversity

Whitehaven Coal Limited

231 Conadilly Street, Gunnedah NSW 2380 Australia

Tel: s47F [REDACTED]

Mobile: s47F [REDACTED]

Email: s47F [REDACTED]

www.whitehavencoal.com.au



WHITEHAVEN COAL

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.