

**BOGGABRI COAL MINE  
BIODIVERSITY COMPLIANCE  
AUDIT (PA 09\_0182) 2020**

**FINAL**

January 2021

# **BOGGABRI COAL MINE BIODIVERSITY COMPLIANCE AUDIT (PA 09\_0182) 2020**

## **FINAL**

Prepared by  
Umwelt (Australia) Pty Limited

Project Director: Travis Peake  
Project Manager: Belinda Howe  
Report No. 20214/R01/V2  
Date: January 2021



### **Newcastle**

75 York Street  
Teralba NSW 2284

Ph. 02 4950 5322

[www.umwelt.com.au](http://www.umwelt.com.au)



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**Document Status**

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	Name	Date	Name	Date
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# 1.0 Introduction

The Department of Planning and Environment (DP&E) approved Travis Peake, National Ecology Leader of Umwelt (Australia) Pty Limited (Umwelt), to conduct an Independent Biodiversity Audit (IBA) against the biodiversity conditions (Schedule 3, Conditions 39-54, PA 09\_0182) of Boggabri Coal Mine (Boggabri). This report documents the findings of the audit.

Boggabri is owned in majority and operated by Idemitsu Australia Resources Pty Ltd (Idemitsu), with ownership also held by Chugoku Electric Power Australia Resources Pty Ltd and NS Boggabri Pty Limited.

The mine is located approximately 15 kilometres to the north-east of Boggabri in the north-west region of New South Wales (NSW). Project Approval (PA09\_0182) was granted for Boggabri Coal Mine by the Planning Assessment Commission (PAC) under delegation of the Minister for Planning on 18 July 2012.

The IBA was conducted by two Umwelt technical specialists leading the review of the biodiversity practices, being Travis Peake, National Ecology Leader, and Belinda Howe, Ecologist. The Independent Audit Certification Form is attached as **Appendix A**. The site visit required of the compliance audit was conducted on 11-13 November 2020.

This report, covering biodiversity issues, provides an outline of the audit methodology and detailed findings. Where required, the report provides recommended actions for achieving compliance with the Project Approval. A discussion of the overall performance of Boggabri as it relates to biodiversity is also provided in this report. **Appendix B** includes a detailed checklist of the status of compliance with conditions of the Project Approval relating to biodiversity.

## 1.1 Compliance Audit Objectives

The key objectives for the biodiversity compliance audit for Boggabri were as follows:

- to review compliance with the conditions of the Project Approval relating to biodiversity (Schedule 3, Conditions 39-54) and
- to assess the environmental performance of Boggabri operations and the effectiveness of its environmental management systems and controls specifically relating to biodiversity.

## 1.2 Compliance Audit Scope

The scope of the compliance audit was to assess Boggabri's compliance against biodiversity matters identified in Schedule 3, Conditions 39-54 of PA 09\_0182. This audit addresses the period since the last independent audit which was finalised in May 2018.

### 1.2.1 Compliance Audit Criteria

The review assessed the level of compliance and the environmental performance of the Boggabri Coal Mine operations against the following:

- the Project Approval (PA09\_0182)
- strategies, plans or programs relating to biodiversity issues, which have been prepared for the Project in accordance with the conditions of the Project Approval.

Plans, programs and strategies related to biodiversity issues required to be prepared by the Project Approval that was assessed as part of the compliance audit included:

- Leard Forest Mining Precinct Regional Biodiversity Strategy
- Biodiversity Management Plan (BMP)
- Biodiversity Offset Strategy (BOS)
- Biodiversity Corridor Plan
- aspects of the Rehabilitation Management Plan that relate to biodiversity
- aspects of the Water Management Plan that relate to biodiversity, including:
  - Surface Water Management Plan, specifically in relation to performance criteria for impacts on stream and riparian vegetation health
  - Groundwater Management Plan, specifically in relation to a program to monitor the impacts of the Project on groundwater dependent ecosystems (GDEs) and riparian vegetation.

### **1.3 Limitations**

The findings of the compliance audit are based upon visual observations of the site and its vicinity, interviews with site personnel, interviews with government agencies and community organisations, and our interpretation of documentation provided by Boggabri.

Opinions presented herein apply to the site as it existed at the time of the audit and from information provided by site personnel and government agencies. Any changes to this information of which Umwelt is not aware and has not had the opportunity to evaluate therefore cannot be considered in this report.

The auditors have taken due care to consider all reasonably available information provided during this audit and have taken this information to represent a fair and reasonable characterisation of the environmental status of the site, but recognise that any site assessment program is necessarily limited in scope and true site conditions may sometimes differ from those inferred from the available data.

## 2.0 Compliance Audit Methodology

The process for the biodiversity compliance audit involved a review of documentation and samples of records provided by Boggabri Coal, and a site inspection of the mining operations to determine the level of environmental performance and compliance of the Project in relation to biodiversity issues. The compliance audit process is described in more detail in **Sections 2.1 to 2.4**.

### 2.1 Preliminary Document Review

Prior to the compliance audit, documentation relating to biodiversity issues was reviewed, including the Project Approval and EAs for the operation, management plans that have been prepared in accordance with the Project Approval, and other compliance related correspondence and records.

### 2.2 Site Interviews and Inspections

#### 2.2.1 Opening Meeting

The opening meeting was held at the Boggabri Coal Mine main office commencing at midday on 11 November 2020. The list of participants is provided in **Table 2.1**.

**Table 2.1 Opening Meeting Attendees**

Opening Meeting	Organisation	Title
Stewart Dunlop	Boggabri Coal	Deputy General Manager
Hamish Russell	Boggabri Coal	Environmental Superintendent
Peter Forbes	Boggabri Coal	Health Safety and Environment Manager
Alex Cockerill	WSP	Ecology National Team Executive
Travis Peake	Umwelt	Technical Specialist – Biodiversity
Daniel Sullivan	Umwelt	Lead auditor – EPBC audit
Belinda Howe	Umwelt	Technical Specialist – Biodiversity

The compliance audit team was introduced, and the scope of their responsibilities was conveyed to the mine personnel. The purpose, depth and scope of the compliance audit were outlined. The methods to be used by the team to conduct the compliance audit were explained. It was stated that the compliance audit team would be interviewing personnel, reviewing site management plans, examining records and conducting a site inspection in order to address specific compliance requirements. Staff from Boggabri Coal, and their biodiversity consultant, participated appropriately, offering assistance to personnel and provision of information, and assisting in the development of a site inspection itinerary. All parts of the site and biodiversity offset sites that were requested to be inspected were able to be accessed.

## 2.2.2 Compliance Audit Interviews

During the on-site component of the review, interviews were conducted with the Boggabri Coal Mine staff and contractors identified in **Table 2.2**.

**Table 2.2 Personnel Interviewed During Compliance Audit**

Name	Area of Operations
Alex Cockerill	WSP Ecology National Team Executive
Hamish Russell	Environmental Superintendent (Boggabri Coal Mine)
Tim McDermott	Graduate Environmental Advisor
Scotney Moore	Environmental Advisor

## 2.2.3 Data Collection and Verification

Where possible, documents and data relating to biodiversity issues collected during the compliance audit process were reviewed while on-site. A number of documents relating to biodiversity issues were provided to the compliance audit team prior to the on-site component of the compliance audit. Several documents that were not available during the on-site component of the compliance audit were provided following the site inspection.

All information relating to biodiversity issues obtained during the compliance audit process was verified by the technical specialists where possible. For example, statements made by site personnel were verified by viewing documentation and/or site inspections where possible. Where suitable verification could not be provided, this has been identified in the compliance audit findings.

## 2.2.4 Site Inspection

The site inspection of Boggabri Coal Mine was undertaken on 11-13 November 2020. The following locations were inspected by the biodiversity technical specialists:

- the unintentionally overcleared understorey area (outside of PA 09\_0182)
- areas cleared during the most recent clearing operations, (undertaken in accordance with PA 09\_0182), including nearby bushland where habitat trees had been surveyed and marked
- salvaged fauna habitat stockpile site
- 250 metre vegetated corridor
- mine rehabilitation
- soil stockpile areas
- an overview of the biodiversity offset areas with field inspections of selected, representative offset areas and viewings of the enhancement and maintenance works being conducted within them.

## 2.2.5 Closing Meeting

The closing meeting took place on the morning of 13 November 2020. The list of participants is provided in **Table 2.3**.

**Table 2.3 Closing Meeting Attendees**

Closing Meeting	Organisation	Title
Russell Taylor	Boggabri Coal	General Manager
Stewart Dunlop	Boggabri Coal	Deputy General Manager
Hamish Russell	Boggabri Coal	Environmental Superintendent
Peter Forbes	Boggabri Coal	Health Safety and Environment Manager
Alex Cockerill	WSP	Ecology National Team Executive
Travis Peake	Umwelt	Technical Specialist – Biodiversity
Daniel Sullivan	Umwelt	Lead auditor – EPBC audit
Belinda Howe	Umwelt	Technical Specialist – Biodiversity

The objectives of this meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the compliance audit report.

## 2.3 Reporting

Following the completion of the site compliance audit, the Project Approval compliance checklists for biodiversity issues were completed and compliance audit notes were reviewed in order to compile a list of outstanding matters to be addressed in the compliance audit report. This report was prepared to provide an overview of the status of compliance by reference to the relevant compliance documentation and any other observations of the technical specialists during the site inspections and interviews. This report has been prepared primarily on an exception basis, highlighting any areas where action or improvement is required.

Assessments of the level of impact of non-compliances were undertaken using the Risk Analysis Matrix outlined in the Independent Audit Guidelines (DP&E 2015) which assesses the likelihood of an impact occurring and the estimated level of impact to produce an overall score of high, moderate or low.

**Figure 2.1** Risk Analysis Matrix (Table 1 from the Independent Audit Guidelines (DP&E 2015))

Risk level	Colour code	Description
<b>High</b>		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence
<b>Medium</b>		Non-compliance with: <ul style="list-style-type: none"> <li>potential for serious environmental consequences, but is unlikely to occur; or</li> <li>potential for moderate environmental consequences, but is likely to occur</li> </ul>
<b>Low</b>		Non-compliance with: <ul style="list-style-type: none"> <li>potential for moderate environmental consequences, but is unlikely to occur; or</li> <li>potential for low environmental consequences, but is likely to occur</li> </ul>
<b>Administrative non-compliance</b>		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions)

## 2.4 Definitions

The reporting of results from the compliance audit was determined based on the following definitions.

### Compliance

Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.

### Non-Compliance

Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

### Administrative Non-Compliance

A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g., report submitted but not on the due date, failed monitor, or late monitoring session). This would not apply to performance-related aspects (e.g., exceedance of a noise limit) or where a requirement had not been met at all (e.g., noise management plan not prepared and submitted for approval).

### Not verified

Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification, the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.

## Observation

Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.

## Not Applicable

A condition or requirement has an activation or timing requirement which had not been triggered or completed at the time of the compliance audit and therefore a determination of compliance could not be made.

For each non-compliance, the *likelihood* of harm occurring as certain, likely or unlikely was estimated and the following ratings were applied as per the Risk Analysis Matrix outlined in *Draft Guidelines – Independent Environmental Audits of Mining Projects* (DP&I 2014):

### - High

Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.

### - Medium

Non-compliance with:

- potential for serious environmental consequences, but is unlikely to occur; or
- potential for moderate environmental consequences but is likely to occur.

### - Low

Non-compliance with:

- potential for moderate environmental consequences, but is unlikely to occur; or
- potential for low environmental consequences, but is likely to occur.

## 3.0 Compliance Audit Findings

The key findings of the biodiversity aspect of the compliance audit are presented in this section. A detailed assessment of compliance with biodiversity aspects of the Project Approval is provided as checklists in **Appendix B** and photos from the site visit are attached in **Appendix C**.

Specific findings of the biodiversity aspects of the compliance audit in relation to Project Approval, management plans, and environmental performance are provided in **Sections 3.1 to 3.8**.

### 3.1 Agency and Community Consultation

A summary of the agencies and community members interviewed during the auditing process is provided in **Table 3.1**. All questions raised during this consultation process have been addressed within this report.

**Table 3.1 Summary of the government agencies and community members contacted during the audit process**

Organisation	Personnel	Outcomes
Biodiversity Conservation Division (formerly Office of Environment and Heritage)	Renee Shepherd	<p>Requested Umwelt include the following points in the audit:</p> <ol style="list-style-type: none"> <li>1. Assess the adequacy and effectiveness of the implementation of the Biodiversity Management Plan (Schedule 3 Condition 49), in particular regarding:               <ol style="list-style-type: none"> <li>a. delivery of the proposed management and monitoring actions, and performance and completion criteria</li> <li>b. whether any of the trigger points in the TARP have been exceeded and whether the corresponding response was adequate.</li> </ol> </li> <li>2. Determine whether an updated version of the BMP has been finalised as per Schedule 3 Condition 50 following completion of Stage 2 of the Leard Forest Regional Biodiversity Strategy (the Strategy was approved on 1 September 2017 and the version of the BMP on the website is October 2018).</li> <li>3. Determine whether an updated version of the Biodiversity Offset Strategy has been prepared as per Schedule 3 Condition 43 following completion of Stage 2 of the Leard Forest Regional Biodiversity Strategy (version on the website is October 2018).</li> <li>4. Determine whether the biodiversity credits in Table 15 have been appropriately retired (Schedule 3 Condition 39).</li> <li>5. Update on independent audit recommendations from the March 2018 audit and whether findings and recommendations have been implemented by the proponent.</li> </ol>

Organisation	Personnel	Outcomes
Department of Industry, Planning & Environment	Heidi Watters	No points raised during email correspondence.
Department of Agriculture, Water and the Environment	Nicholas Scholar	No response.
Department of Industry, Planning & Environment Water/NRAR	Timothy Baker	NRAR requested the following be incorporated into the audit: <ul style="list-style-type: none"> <li>• <i>Site management to control impacts to the biodiversity and functioning of watercourses e.g., erosion, salinity, weeds, grazing.</i></li> <li>• <i>Implementation and maintenance of clean water diversions to provide water for downstream watercourse environments.</i></li> <li>• <i>Rehabilitation of watercourses/drainage features.</i></li> </ul>
Chair of Community Consultative Committee	David Ross	Identified the following points to examine during the audit: <ul style="list-style-type: none"> <li>• <i>250 m Biodiversity Corridor:</i> <ul style="list-style-type: none"> <li>○ <i>Is the Corridor fenced and signage erected so contractors know where the boundary between Whitehaven Coal &amp; Boggabri Coal is?</i></li> <li>○ <i>clarity around the assessment, reporting and monitoring of the Biodiversity corridor boundary and biodiversity impacts due to clearing and mining</i></li> <li>○ <i>How close has the exploration drilling been to the Biodiversity Corridor?</i></li> <li>○ <i>Is Boggabri Compliant with its Approval?</i></li> <li>○ <i>Are the locations of the drill sites transparent to the community?</i></li> </ul> </li> <li>• <i>Assessment, reporting and monitoring of offsets:</i> <ul style="list-style-type: none"> <li>○ <i>Have all the Offsets and the Biodiversity Corridor been secured in perpetuity as per their extension?</i></li> <li>○ <i>What are the new requirements from OEH and DPE to protect actual biodiversity in the Biodiversity Management Plan to account for the delay and assure protection due to the ongoing delay to Boggabri Coal's biodiversity obligation?</i></li> </ul> </li> </ul>

## 3.2 Past Audit Actions and Responses

Boggabri have made significant progress in addressing the actions and recommendations originating from the 2018 biodiversity audit. In the 2018 audit Boggabri received three non-compliances, and since this time two of these non-compliances have been addressed in the finalisation of the revised BOS (WSP 2019) and BMP (WSP 2018). The final non-compliance is addressed in **Section 3.3**.

In addition to these non-compliances the 2018 audit made recommendations for continual improvement surrounding management of rehabilitation areas and restoration of biodiversity offsets. A summary of these recommendations and progress made is presented below:

- Recommendations were made to trial differing planting techniques. Due to the continued drought conditions experienced throughout the majority of NSW there have been no significant planting campaigns completed since 2018 by Boggabri. The mine plans to resume planting activities on their offsets in 2021.
- It was recommended to establish a nest box program for the fauna identified in Condition 45 of the project approval. Nest boxes have not been erected in offset or rehabilitation areas; however, progress has been made in this area. Nest boxes soon to be erected were viewed on the ground in rehabilitation areas. During the site visit the audit team were informed that the nest boxes would be erected in 2021.
- It was recommended that Boggabri implement a chain of custody for the movement and storage of salvaged habitat and soil stockpiles. This recommendation has not been progressed.

### 3.3 Project Approval (PA09\_0182) Non-compliances

A completed compliance checklist against the biodiversity requirements of the Project Approval is included in **Appendix B**. A summary of the non-compliance issues related to biodiversity aspects of the Project Approval is provided in this section. Boggabri Coal was found to be operating largely in compliance with the conditions of the Project Approval that related to biodiversity; however, 1 non-compliance was identified.

#### 3.3.1 Schedule 3, Condition 54

##### Schedule 3, Condition 54 –Non-compliance

**The Proponent shall prepare a Eucalyptus Forestry Plantation Offset Strategy to the satisfaction of Forests NSW, within 12 months of the date of this approval. The Forestry Plantation Offset Strategy shall provide at least a minimum 168 ha plantation area (as committed in the EA), or alternative as agreed by Forests NSW. The Strategy shall identify proposed funding and management arrangements for the development and maintenance of the plantation offset. If there is a dispute over these requirements, either party may refer it to the Secretary for resolution, whose decision shall be final.**

Boggabri Coal submitted a Forestry Planation Offset Strategy in July 2013 to Forestry NSW. Boggabri have provided Umwelt with information that shows evidence of progress being made on this strategy. As of November 2020, Boggabri have provided Forestry NSW with a draft strategy. Evidence has been provided that Forestry NSW does not see benefit in the strategy proposed by Boggabri.

##### **Risk Rating:**

The non-compliance is regarded as having potential for low environmental consequences and is likely to occur.

The overall risk rating is 'Low'.

##### **Recommendation:**

*It is recommended that Boggabri Coal seeks to continue to work with Forestry NSW to develop a Plantation Offset Strategy that both parties agree is mutually beneficial; or that if this is not possible the matter is referred to the Secretary for resolution. While this strategy is being prepared, it is recommended that Boggabri apply for an extension to this approval condition.*

### 3.4 Management Plan Implementation

Boggabri Coal has developed a number of environmental management strategies, plans and monitoring programs for the Project relating to biodiversity in accordance with the relevant requirements of the Project Approval. These documents address specific biodiversity impacts associated with the Project and reflect the requirements detailed in the Project Approval. The strategies and plans required to be prepared, and reviewed as part of the biodiversity aspect of the audit, include:

- Leard Forest Mining Precinct Regional Biodiversity Strategy
- Biodiversity Management Plan
- Biodiversity Offset Strategy
- Biodiversity Corridor Plan
- Rehabilitation Management Plan
- aspects of the Water Management Plan that relate to biodiversity, including:
  - Surface Water Management Plan, specifically in relation to performance criteria for impacts on stream and riparian vegetation health; and
  - Groundwater Management Plan, specifically in relation to a program to monitor the impacts of the Project on groundwater dependent ecosystems (GDEs) and riparian vegetation.

Overall, the audit found that the management plans, strategies, and programs that have been prepared for the mine were adequate and prepared in accordance with the relevant compliance requirements. Management actions listed in the BMP are being implemented across the site, with evidence either being viewed when conducting the site inspection, or evidence of these management activities being sighted in reports (see **Appendix C** for photos of observed management actions).

The audit found that the TARP within the BMP has not been triggered. Boggabri have proactively decided to investigate restoration areas on their offset sites that are not performing as expected. The results of these investigations are not completed as of November 2020. Some areas of remnant vegetation on the offset properties have achieved completion criteria.

### 3.5 Incidents

No biodiversity related incidents have been reported by Boggabri in this audit period.

### 3.6 Environmental Performance

The biodiversity audit determined that Boggabri's biodiversity performance is satisfactory, with no biodiversity incidents and only one non-compliance recorded. On-site staff displayed a good understanding of the key biodiversity issues and were focused on implementing measures that would minimise impacts and achieve good biodiversity/environmental outcomes. A wide range of environmental management measures related to biodiversity were in place at the site, including a detailed and effective vegetation clearance procedure to minimise the impacts on key biodiversity features across the site.

The environmental management systems appear to be functioning in an effective manner. A review of the monitoring reports shows no concern that the rehabilitation and restoration efforts will fail, however it should be noted that much of this work is in its infancy, and in general the rehabilitation areas appear to be performing well when considering the extended drought conditions experienced throughout the region.

Post mined rehabilitation areas appear to be in good condition for their respective ages. The audit observed rehabilitated drainage lines, salvaged habitat installation and a diversity of woodland birds, including the speckled warbler (*Pyrrholaemus sagittatus*).

### 3.6.1 Inadvertent Understorey Overclearing Area

In 2014 an area of native vegetation was cleared outside of the approved disturbance boundary. Boggabri refer to this as the inadvertent understorey overclearing event. This event was responded to by the regulator and Boggabri addressed all required actions. As a result of this, the ongoing environmental management of this area is covered within the BMP.

A part of this area was inspected during the site visit. While no further detrimental actions have occurred in this area, and the area is fenced off from operational activities, some environmental management concerns were observed, including gully erosion, weed invasion, and ineffective signage. These issues do not pose an immediate threat to biodiversity, however **Section 3.7** outlines recommended actions to ensure there is no risk of negative biodiversity outcomes.

### 3.6.2 Biodiversity Corridor

The CCC raised questions regarding the management of the Maules Creek-Boggabri Biodiversity Corridor. The audit considered with questions and the outcomes are summarised in **Table 3.2**.

**Table 3.2 Audit Findings of CCC Consultation Questions**

CCC Question	Audit Finding
Is the Corridor fenced and signage erected so contractors know where the boundary between Whitehaven Coal & Boggabri Coal is?	The corridor is fenced and signed in the areas close to operations, see <b>Appendix B</b> for photos.
How close has the exploration drilling been to the Biodiversity Corridor?	Drilling sites have been contained to approved areas, see CCC meeting presentation October 29 2020. This presentation shows the latest imagery of the operational areas. Exploration drill pads are situated close to the project approval boundary.
Is Boggabri Compliant with its Approval?	See entire document.
Are the locations of the drill sites transparent to the community?	See Boggabri presentation to CCC.
Are the drilling depths compliant with the Exploration Licence?	Not a biodiversity issue.
Have all the Offsets and the Biodiversity Corridor been secured in perpetuity as per their extension?	No, Boggabri have an extension.
What are the new requirements from OEH and DPE to protect actual biodiversity in the Biodiversity Management Plan to account for the delay and assure protection due to the ongoing delay to Boggabri Coal's biodiversity obligation – even despite commitments made during the Boggabri Mod 7 hearings?	This audit does not examine agency response. Boggabri have been monitoring their offsets for many years. Management actions have been implemented on offset sites.

### 3.7 Recommendations for Continual Improvement

The audit has produced the following recommendations to aid the continual improvement of the site.

- Trial some thinning of dense eucalypts in woodland rehabilitation to stimulate the growth of those remaining and also to stimulate general flora species diversity and establishment
- Perform remediation works in established rehabilitation areas affected by erosion
- Opportunities for rehab planting design improvements/trials
- Erect nest boxes over rehabilitation and Biodiversity Offset Areas (BOAs)
- Finalise placement of salvaged habitat (logs) across BOAs
- Ensure soil storage stockpiles are maintained at heights no greater than 3 m (as per management plan).

Regarding the inadvertent understorey overclearing cleared area the following actions are recommended:

- Regular walkover inspections to detect changes
- Ecological monitoring to assess the development of understorey vegetation and weeds
- Erosion areas be appropriately remediated
- Ensure signage is effective.

## 4.0 Conclusion

The biodiversity aspect of the audit found one non-compliance with the Project Approval that applies to the Boggabri Coal Mine. There is evidence that Boggabri has made efforts to finalise this project requirement working with Forestry NSW, however significant time has passed since the date of the Project Approval and to avoid future non-compliance ratings it is recommended that this outstanding issue is finalised promptly. Overall, on-site environmental management performance of the site was found to be satisfactory, with excellent knowledge amongst staff. Implementation of management plans and strategies occurred both onsite and on the BOAs.

## 5.0 References

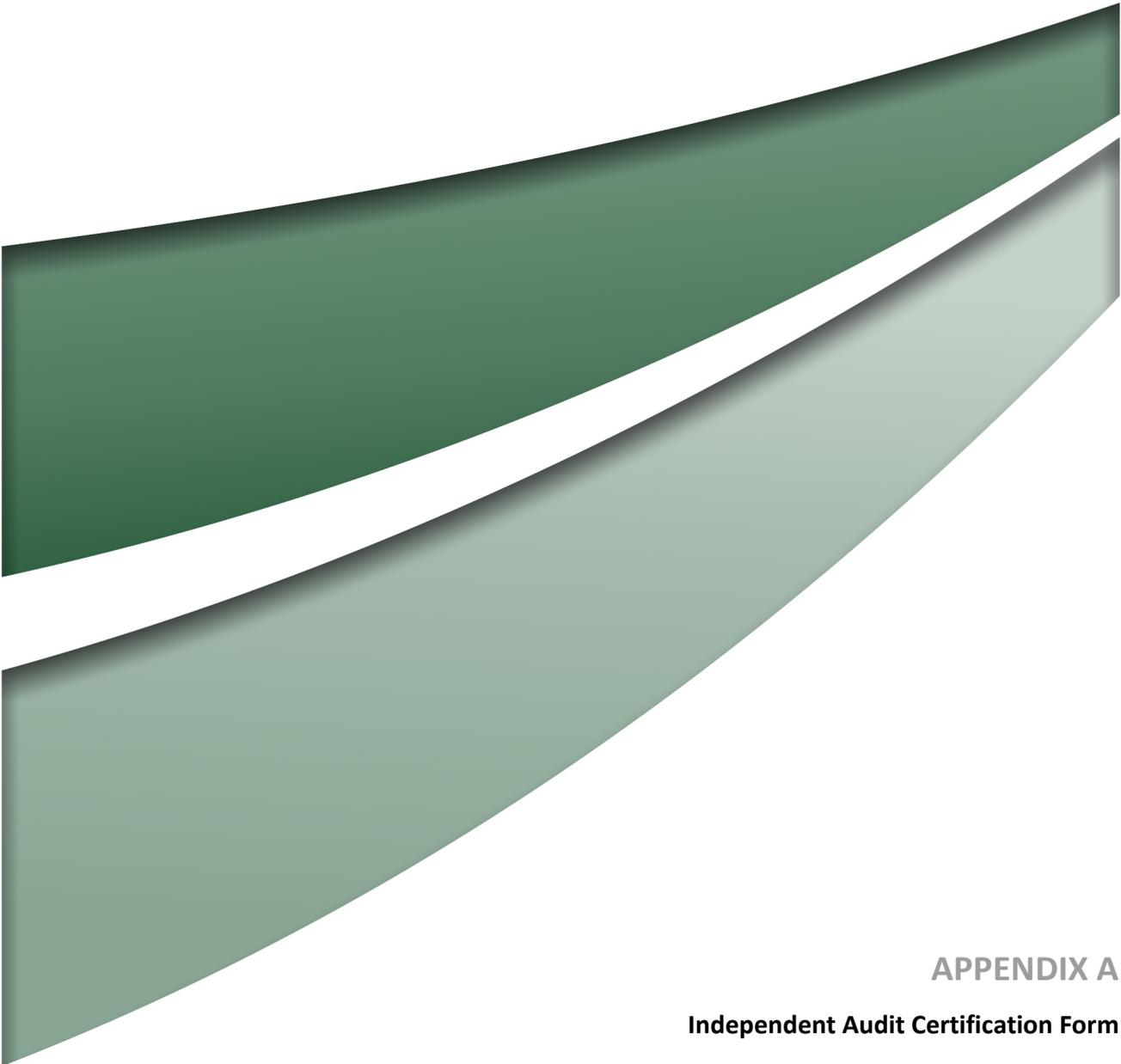
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WSP (2020). Rehabilitation Management Plan. Prepared on behalf of Boggabri Coal.

WSP (2018). Biodiversity Management Plan. Prepared on behalf of Boggabri Coal.

WSP (2019). Biodiversity Offset Strategy. Prepared on behalf of Boggabri Coal.

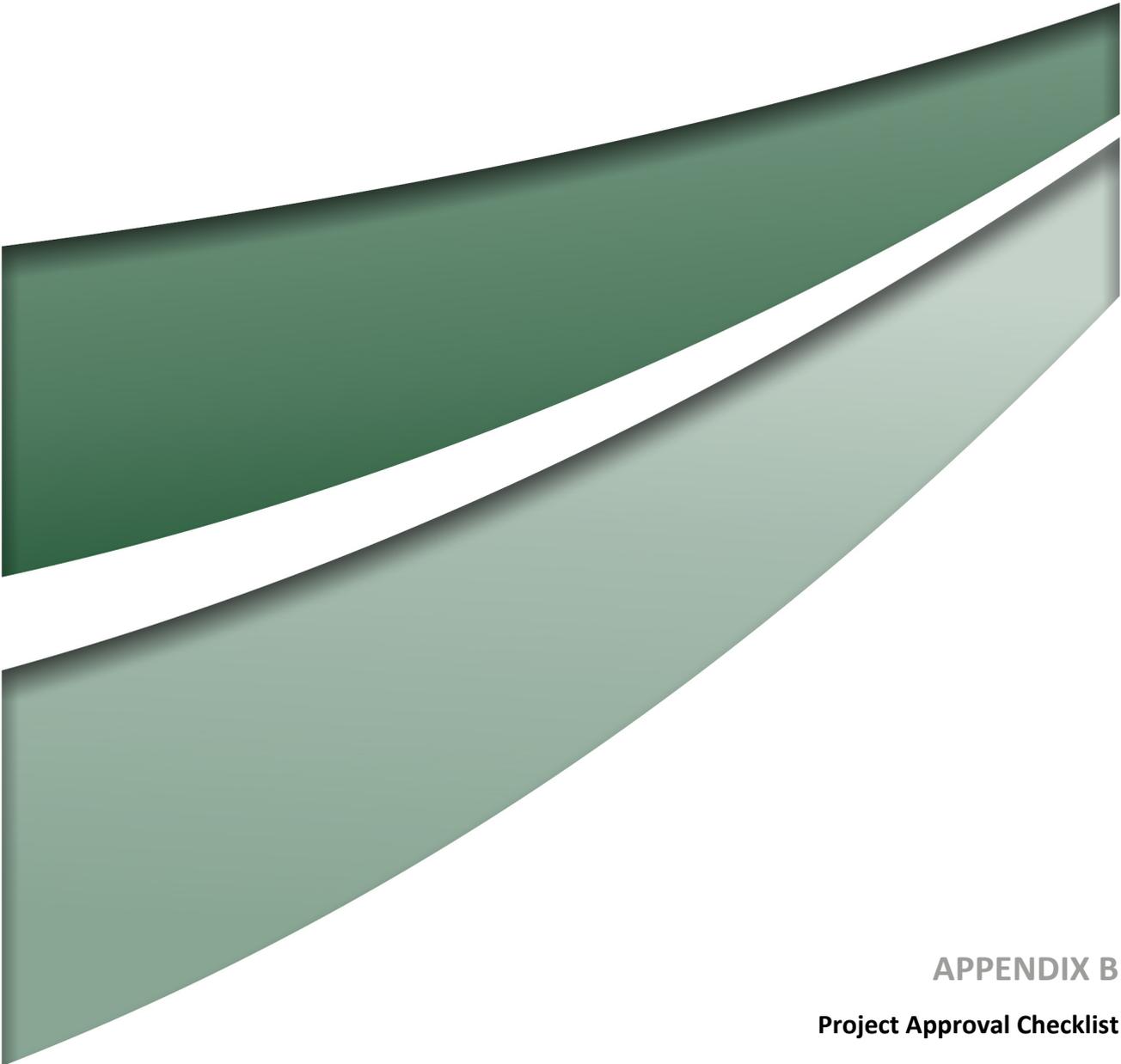


**APPENDIX A**

**Independent Audit Certification Form**

# Appendix A Independent Audit Certification Form

Independent Audit Certification Form	
Development Name	Boggabri Coal Mine
Development Consent No.	09_0182
Description of Development	Independent Biodiversity Audit
Development Address	386 Leard Forest Road, Boggabri New South Wales 2382
Operator	Idemitsu
Operator Address	Level 1 60 Albert Street Brisbane QLD 4000
Independent Audit	
Title of Audit	Boggabri Coal Mine Independent Biodiversity Audit
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <li><i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i></li> <li><i>The findings of the audit are reported truthfully, accurately and completely;</i></li> <li><i>I have exercised due diligence and professional judgement in conducting the audit;</i></li> <li><i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i></li> <li><i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i></li> <li><i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i></li> <li><i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i></li> <li><i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i></li> </ul> <p>Note.</p> <p>a) <i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p>b) <i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Travis Peake
Address	75 York Street, Teralba NSW 2284
Email Address	tpeake@umwelt.com.au
Auditor Certification (if relevant)	
Date:	22/12/2020



**APPENDIX B**  
**Project Approval Checklist**

Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
	<b>Terms of Approval</b>						
	39	The Proponent shall implement the Biodiversity Offset Strategy described in the EA, summarised in Table 15 and shown conceptually in Appendix 7 of project approval, to the satisfaction of the Secretary.	Biodiversity Offset Strategy		C		
	40	The Proponent shall commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal mines within the Precinct. The Strategy shall be coordinated through the Department (refer condition 42 below) and prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by OEH and subsequently approved by the Secretary, in the following stages:					
		A scoping report for development of the Strategy must be submitted, within 6 months of the date of this approval, for endorsement by OEH and subsequent approval by the Secretary. The Secretary may extend this period with the agreement of OEH. The scoping report must:	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		(a) include terms of reference, scope and objectives for the Strategy, including recommendations for the Strategy's geographic extent;	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		(b) identify the ongoing functions and members of the working group (see condition 41 of Schedule 3);	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		(c) include a project management plan of the Strategy, with a time schedule, indicative dates for working group meetings, review and milestones for completion;	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		(d) include a funding program for the development of the Strategy, including provision of adequate resources for the participation of working group members; and	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		(e) include a consultation/communications program for the Strategy.	Leard Forest Regional Biodiversity Strategy Stage 1, Previous audit (Umwelt 2018)		C		
		Note: The broad terms of reference must be guided by the Planning Assessment Commission (PAC) merit review for the Boggabri Coal Mine (February 2012) - Recommendation 1 for the development of a regional biodiversity strategy.					
		The Strategy must be developed in accordance with the approved Scoping Stage report and submitted for endorsement by OEH and subsequent approval by the Secretary within 18 months of the date of this approval. The Secretary may extend this period with agreement of OEH.	Leard Forest Regional Biodiversity Strategy Stage 2, Previous audit (Umwelt 2018)		C		
		The Strategy must be reviewed by the end of December 2018, following completion of audits of the rehabilitation and Biodiversity Offset Areas required to be undertaken under approvals for coal mines within the Precinct. The Review shall be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by OEH and approved by the Secretary. Any modifications to the Strategy arising from the review must be endorsed by OEH prior to approval by the Secretary.	Leard Forest Regional Biodiversity Strategy Stage 3, Previous audit (Umwelt 2018)		C		
	41	The Strategy shall be prepared in collaboration with a working group containing (subject to the outcomes of the Stage 1 – Scoping Stage) representatives of the Department, OEH, Resources Regulator, North West LLS, Council and DoEE and the other Leard Forest Mining Precinct mines; which shall be chaired by a suitably qualified, experienced and independent person whose appointment has been approved by the Secretary.	Leard Forest Regional Biodiversity Strategy Stage 2, Previous audit (Umwelt 2018)		C		
	42	The cost of preparing the Strategy, including the independent chairperson and a co-ordinator to be employed by the Department shall be shared equitably between the coal mines in the Leard Forest Mining Precinct on the basis of the approved clearing of remnant vegetation (including native grassland) by the mines, based on the following arrangements:	Leard Forest Regional Biodiversity Strategy Stage 2, Previous audit (Umwelt 2018)		C		
		(a) Stage 1 is to be initially funded by the Proponent, with appropriate adjustments made following the determination of the Maules Creek Coal and Tarrawonga Coal Projects and as per approved funding arrangements finalised under the Stage 1 Scoping Report;			C		

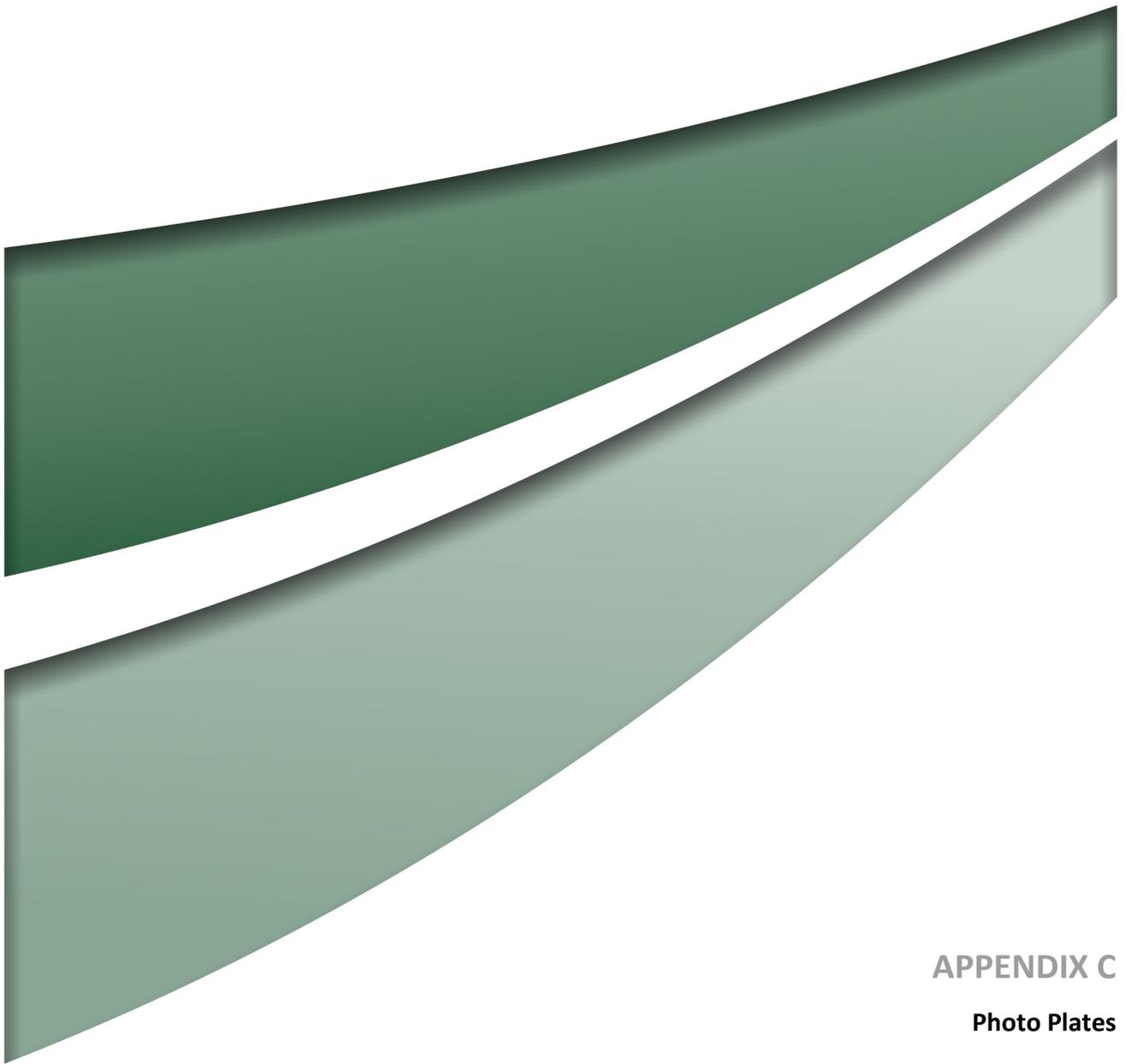
Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
		(b) Stage 2 is to be funded by all Leard Forest Mining Precinct mines based on the arrangements approved under the Stage 1 Seeping Report; and			C		
		(c) Stage 3 is to be funded by all Leard Forest Mining Precinct mines based on recommendations in the approved Stage 2 Leard Forest Mining Precinct Regional Biodiversity Strategy.			C		
		Note: Based on predicted clearing of native vegetation provided in the EA documents for the three projects within the Leard Forest Mining Precinct the proposed funding split would equate to total contributions of 36% from Boggabri (clearing of 1,385 ha), 54% from Maules Creek (clearing of 2,07Bha) and 10% from Tarrawonga (clearing of 397 ha). This funding arrangement may change depending upon the determination outcomes of individual projects and can be further refined in the Stage 1 Scoping Stage.					
	43	The Proponent shall prepare and implement a revised Biodiversity Offset Strategy for the identified offset areas in Table 15 to the satisfaction of the Secretary. The revised Strategy must:					
		(a) not reduce the size or quality of the proposed offset areas;	Biodiversity Offset Strategy		C		
		(b) be consistent (as far as is possible) with the recommendations and objectives of the Leard Forest Mining Precinct Regional Biodiversity Strategy;	The report is consistent with the RBS. Section 5.1 of the BOS states that the BOS is not consistent with the Leard Forest Mining Precinct Regional Biodiversity Strategy	During site visit this was raised. It is an administrative error. It is recommended that this error be corrected in the next revision of the Biodiversity Offset Strategy.	C		
		(c) be prepared in consultation with OEH, North West LLS, CCC, DoI Lands & Water and DoEE;	Biodiversity Offset Strategy		C		
		(d) identify the land to be acquired for the additional offset area of 1,000 ha in Table 15;	Biodiversity Offset Strategy		C		
		(e) identify the land to be acquired for the modification 3 offset area of 103 ha, the modification 4 offset area of 132 ha and the modification 5 offset area of 106 ha as in Table 15;	Biodiversity Offset Strategy		C		
		(f) identify the special lease/Crown reserve land subject to a funding/management agreement with DoI Lands & Water, and if this land area is less than the identified 441 ha, then the Proponent must identify substitute areas that would provide an equivalent increase in biodiversity values; and	Biodiversity Offset Strategy		C		
		(g) be submitted within 30 months of the date of this approval, or within 6 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy (whichever is sooner) for endorsement by OEH and subsequent approval by the Secretary.	Approval letter sighted		C		
	44	For the White Box - Yellow Box - Blakeley's Red Gum Grassy Woodland Endangered Ecological Community the Proponent shall:					
		(a) ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation, re-establishment and long-term maintenance of viable stands of this community;	Biodiversity Offset Strategy		C		
		(b) investigate in consultation with OEH and the Namoi CMA, all factors likely to enhance or impede the effective long-term restoration of degraded remnants of this EEC in offset areas or regeneration of this EEC on disturbed areas (both offset areas and the site);	2018 Audit (Umwelt 2018) discussed with relevant agencies.		C		
		(c) within 24 months of the date of this approval (and if possible in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to maximise the prospects for rehabilitation and regeneration of this EEC on the offset areas and the site, for approval by the Secretary; and	Biodiversity Offset Strategy appendix F		C		
		(d) incorporate the approved Implementation plan into the revised Biodiversity Management Plan, required under condition 50.	Biodiversity Management Plan		C		

Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
	45	For all threatened species on site, the proponent shall ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focussed on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species.	Biodiversity Offset Strategy; Rehabilitation Strategy		C		
		Note: the threatened fauna species on site include Regent Honey Eater, Speckled Warbler, Swift Parrot, Brown Treecreeper, Diamond Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, Black Chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Little Eagle, Spotted Harrier, Black Necked Stork, Square Tailed Kite, Turquoise Parrot, Barking Owl, Masked Owl, Superb Parrot, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat, Eastern Cave Bat, Eastern Bent-wing Bat, Large-eared Pied Bat, Little Pied Bat, Spotted-tailed Quoll, Squirrel Glider and Koala.					
	46	The Proponent shall:					
		(a) investigate, in consultation with OEH and the North West LLS, all factors likely to enhance or impede the effective long-term provision of suitable habitat(s) for the following species: Brown Treecreeper, Hooded Robin, Black-chinned Honeyeater, Painted Honeyeater, Pied Honeyeater, Grey-crowned Babbler, Speckled Warbler, Diamond Firetail, Varied Sittella, Regent Honeyeater, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat;	2018 Audit (Umwelt 2018) discussed with relevant agencies.		C		
		(b) within 24 months of the date of this approval (and if possible, in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to ensure delivery of suitable areas of viable habitat for the species included in (a) above, for approval by the Secretary; and	Biodiversity Offset Strategy appendix G		C		
		(c) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 50.	Biodiversity Management Plan		C		
		Note: the species listed in (a) are those identified in the Secretary's Assessment Report as likely to be impacted by the project.					
	47	The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas:					
		(a) For the areas included in Table 15 owned by the Proponent, the long-term security shall be provided by way of the Proponent: <ul style="list-style-type: none"> <li>entering a biodiversity stewardship agreement pursuant to Part 5 Division 2 of the BC Act;</li> <li>entering a conservation agreement pursuant to Part 5 Division 3 of the BC Act;</li> <li>and/or</li> <li>transferring land to National Parks estate under the National Parks &amp; Wildlife Act 1974.</li> </ul> The agreement or transfer of land must be registered by February 2020 unless agreed otherwise by the Secretary after consultation with the Chief Executive of OEH. If conservation or stewardship agreements are made to secure the land, the agreements must remain in force in perpetuity.	Extension letter sighted	Boggabri Coal have been granted an extension until June 2021. This extension letter states that Boggabri Coal have an "extension of time until 30 June 2021 to finalise arrangements for biodiversity offsets for the Boggabri Coal Mine".	Not triggered		
		(b) For the areas included in Table 15 as Crown Reserve Land and Additional Land managed for Corridor Enhancement, the long-term security shall be provided by a form of binding agreement acceptable to the Secretary that records the obligations assumed by the Proponent under the conditions of this approval in relation to these offset areas. These agreements must be in force within 12 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, or other date agreed by the Secretary, to the satisfaction of the Secretary.	Extension letter sighted	Boggabri Coal have been granted an extension until June 2021.	Not triggered		
	48	Offset areas are to be managed primarily for the purposes of compensating for biodiversity impacts of the project and improving regional biodiversity outcomes. However, to the extent that limited agricultural production on the lots purchased for offsets is compatible with these objectives, the Biodiversity Management Plan and other conditions of this approval, the Proponent shall:					

Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
		(a) include in the Biodiversity Management Plan an agricultural suitability assessment of surplus land on the offset properties, in particular for the proposed corridor enhancement zones; and	Biodiversity management Plan, Appendix G		C		
		(b) maintain the agricultural productivity of the surplus areas.	Some of these areas viewed during site inspection (Jeralong property)		C		
	49	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:					
		(a) be prepared in consultation with OEH, SEWPaC, CCC and the Namoi CMA, and be submitted to the Secretary for approval within 6 months of the date of this approval;	Biodiversity management Plan		C		
		(b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;	Biodiversity management Plan		C		
		(c) describe the short, medium, and long term measures that would be implemented to:	Biodiversity management Plan		C		
		(i) manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and	Biodiversity management Plan		C		
		(ii) implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria;	Biodiversity management Plan	Some areas of remnant vegetation on offsets have achieved completion - 2019 Annual Monitoring Report	C		
		(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);	Biodiversity management Plan	No TARPs have been triggered	C		
		(e) include a detailed description of the measures that would be implemented including the procedures to be implemented for:	Biodiversity management Plan		C		
		(i) enhancing the quality of existing vegetation and fauna habitat;	Biodiversity management Plan		C		
		(ii) restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features;	Biodiversity management Plan		C		
		(iii) maximising the salvage of resources within the approved disturbance area - including vegetative, top and sub-soils and cultural heritage resources - for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area;	Biodiversity management Plan	It is recommended that a formal reporting/chain of custody mechanism is created to track information such as age of topsoil, location and status of habitat stockpiles.	C		
		(iv) collecting and propagating seed;	Biodiversity management Plan; seed collection reports		C		
		(v) minimising the impacts on fauna on site, including undertaking pre-clearance surveys;	Biodiversity management Plan		C		
		(vi) improving the connectivity and corridor function of the offset areas to provide an east/west corridor to the Namoi River and demonstrating that this corridor is enhanced and maintained;	Biodiversity management Plan		C		
		(vii) managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological);	Biodiversity management Plan		C		
		(viii) managing salinity;	Biodiversity management Plan		C		
		(ix) controlling weeds and feral pests;	Biodiversity management Plan		C		
		(x) controlling erosion;	Biodiversity management Plan		C		
		(xi) managing grazing and agriculture on site;	Biodiversity management Plan		C		
		(xii) controlling access; and	Biodiversity management Plan		C		
		(xiii) bushfire management;	Biodiversity management Plan		C		

Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
		(xiv) translocating and/or propagating the threatened flora species <i>Tylophora linearis</i> located within the project disturbance boundary - including details of methods and timing of propagation trials and programs and investigations into assisted natural regeneration in mine site rehabilitation and biodiversity offset areas.	Biodiversity management Plan	The revised BMP contains the translocation plan. During the site visit the progress of the translocation and propagation plan was discussed. While the plan has been finalised and is within the BMP, no individual plants have been translated from the disturbance area. This is explained by the drought conditions experienced in the region and by mobilisation issues caused by COVID-19.  Boggabri intend to implement this plan during the 2021 vegetation clearing period.	C		
		(f) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;	Biodiversity management Plan		C		
		(g) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and	Biodiversity management Plan		C		
		(h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.	Biodiversity management Plan		C		
		Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.					
	50	The Proponent shall revise the Biodiversity Management Plan within 30 months of the date of this approval, or within 6 months after the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, whichever is sooner. The revised plan must:	Approval letter for revised Biodiversity Management Plan sighted		C		
		(a) be prepared in consultation with OEH, SEWPaC, DoI Lands & Water Catchments and Lands, the CCC and the Namoi CMA;	Stated as such in the revised Biodiversity Management Plan		C		
		(b) demonstrate consistency with any findings of Leard Forest Mining Precinct Regional Biodiversity Strategy; and	Biodiversity Management Plan		C		
		(c) include any implementation plans arising from the studies required under conditions 44 and 46 of this approval;	Implementation plans are referred to and appended to the revised Biodiversity Management Plan		C		
	51	For the vegetated buffer corridor required to be retained and protected between the projects under Condition 7 of Schedule 2 of this approval the Proponent shall:					
		(a) use its best endeavours to work cooperatively with the Proponent of the Maules Creek Coal Project to enhance the functioning of the area as a biodiversity corridor; and	BTM Complex meeting minutes		C		
		(b) include in the Biodiversity Management Plan the details as to how impacts on the corridor are to be minimised, to the satisfaction of the Secretary.	Biodiversity Management Plan		C		
	52	Within 36 months of the date of this approval or within 6 months of the approval of the revised Biodiversity Management Plan required under condition 50 of Schedule 3 (whichever is sooner) the Proponent shall lodge a Conservation and Biodiversity Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond shall be determined by:	The extension letter discussed in the findings of Condition 47. the letter states that Boggabri Coal have an "extension of time until 30 June 2021 to finalise arrangements for biodiversity offsets for the Boggabri Coal Mine".	The Conservation Bond is required to be calculated based on the full cost of implementing the BOS (Condition 52a). The full cost of implementing the BOS cannot be known until the Conservation Agreement is finalised.  The wording of the extension letter is taken to mean an extension to all Biodiversity Offset arrangements for Boggabri.	Not triggered		
		(a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and					
		(b) employing a suitably qualified quantity surveyor to verify the calculated costs to the satisfaction of the Secretary.					

Schedule 3	Condition of Consent	Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance	Notes
		<p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Secretary will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>With the agreement of the Secretary, this bond may be combined with rehabilitation security deposit administered by Resources Regulator.</p> <p>Note: Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by OEH as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</p>					
	53	<p>By the end of December 2017 and then every 5 years, unless the Secretary agrees otherwise, the Proponent shall commission suitably qualified, experienced and independent person/s, whose appointment has been approved by the Secretary, to undertake an audit of the revegetation of the rehabilitation area, management and restoration within the Biodiversity Offset Strategy areas to the satisfaction of the Secretary. This audit must:</p>	This condition was audited in 2018 (Umwelt 2018).	On advice from DPIE this condition is not retriggered until 2023.	Not triggered		
		a) include consultation with OEH, Namoi CMA, Dol Lands & Water Catchments and Lands, SEWPaC, CCC and Resources Regulator;			Not triggered		
		b) assess the performance of the revegetation in the rehabilitation area completed to date against the completion criteria in the Rehabilitation Management Plan;			Not triggered		
		c) assess the performance of management and restoration in the off-site Biodiversity Offset Strategy areas completed to date against the completion criteria in the Biodiversity Management Plan;			Not triggered		
		d) identify any measures that should be implemented to improve the performance of rehabilitation, management and restoration within the rehabilitation and biodiversity offset areas; and			Not triggered		
		e) if the completion criteria have not been met, or are not adequately trending towards being met, determine the likely ecological value of the rehabilitation and restoration once completed, and recommend additional measures to augment the Biodiversity Offset Strategy to ensure that it adequately offsets the project's impacts on biodiversity.			Not triggered		
		If the audit recommends the implementation of additional measures to augment the Biodiversity Offset Strategy in accordance with (e) above, then within 6 months of the completion of the audit the Proponent shall revise the Biodiversity Offset Strategy, in consultation with the Department, OEH and SEWPaC, and to the satisfaction of the Secretary.			Not triggered		
	54	The Proponent shall prepare a Eucalyptus Forestry Plantation Offset Strategy to the satisfaction of Forests NSW, within 12 months of the date of this approval. The Forestry Plantation Offset Strategy shall provide at least a minimum 168 ha plantation area (as committed in the EA), or alternative as agreed by Forests NSW. The Strategy shall identify proposed funding and management arrangements for the development and maintenance of the plantation offset. If there is a dispute over these requirements, either party may refer it to the Secretary for resolution, whose decision shall be final.	Boggabri Coal have provided Umwelt with information that shows evidence of progress being made on this strategy. As of November 2020 Boggabri Coal have provided Forestry NSW with a draft strategy. Evidence has been provided that Forestry NSW does not see benefit in the strategy proposed by Boggabri Coal.	It is recommended that an extension to this approval condition is sought. It is recommended that, together with Forests NSW, this strategy is promptly finalised to the satisfaction of the relevant parties.	NC	NC1	



## APPENDIX C

### Photo Plates



**Plate 1** Example of fencing and signage

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**Plate 2** Example of assisted regeneration on an offset

© Umwelt, 2020



**Plate 3** Example of salvaged fauna habitat to be placed on an offset site

© Umwelt, 2020



**Plate 4** Example of delineation of clearing extent and fencing along biodiversity corridor and sedimentation capture fencing

© Umwelt, 2020



**Plate 5** Example gully erosion requiring control in the inadvertent understorey overclearing area

© Umwelt, 2020



**Plate 6** Example of rehabilitation works occurring on site and salvaged habitat tree

© Umwelt, 2020



**Plate 7** Example of uninstalled nest box

© Umwelt, 2020



**Plate 8** Example of surplus offset land being used for agricultural purposes

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**Plate 9** Example of young rehabilitation works

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**Plate 10** Example of signage used within operational areas

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