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COMPLIANCE REPORT 2019
MILLENNIUM EXPANSION PROJECT EPBC
NO 2009/4821
MILLENNIUM COAL PTY LTD

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PEABODY



Version History

Rev	Date	Description	Prepared by	Reviewed by	Approved by
A	1/7/2014	Issued for Review	N Keipert	S Cobb	S Cobb
B	18/8/2015	Issued for Review	D Railey	S Cobb	S Cobb
C	29/6/2016	Issued for Review	D Railey	S Cobb	S Cobb
D	21/6/2018	Issued for Review	D Railey	S Cobb	S Cobb
E	14/1/2019	Issued for Review	D Railey	M Vale	M Vale
F	9/3/2020	Issued for Review	J Martin	R Tennant	D Champion

Executive Summary

In 2008 Millennium Coal Pty Ltd (Peabody) referred the Millennium Expansion Project (MEP) for approval pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The MEP resulted in unavoidable impacts to a 'matter of national environmental significance' (MNES) which was listed under the EPBC Act (Brigalow – Acacia harpophylla dominant and co-dominant). As a condition of the EPBC Act approval (2009/4821) for the MEP, Peabody was required to secure a minimum of 112.5 ha of Brigalow as an offset.

On 3 November 2011, Peabody formalised the Wotonga Offset Area Management Plan – Millennium Expansion Project to provide an offset area on the Peabody related body corporate-owned property of Wotonga Pastoral Holding (Lot 13 SP178466) for the listed threatened species and communities as part of the requirement for the MEP.

On 20 June 2014, in response to the Department of Natural Resources and Mines declared area offer, Peabody requested that a voluntary declaration under the Vegetation Management Act 1999 be made in respect of Lot 13 on SP 178466

This document sets out Peabody's compliance with EPBC Approval 2009/4821 in relation to the MEP including by way of the Wotonga Area Offset Management Plan and voluntary declaration.

COMPLIANCE TABLE - EPBC approval conditions status

Condition Number/ reference	Condition	Is the project compliant with this condition?	Evidence/Comments (provide evidence to support claims regarding compliance or non-compliance)
1	<p>To offset the impact to the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community, the person taking the action must register a legally binding conservation mechanism (such as a nature Refuge Agreement) over a minimum of 112.5 hectares of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community (the offsets area) as identified in the offsets management plan referred to in condition 2. The mechanism/s must provide enduring protection for the protection for the offsets area and be registered before 1 July 2014.</p> <p>The conditions of the conservation mechanism must ensure that management actions are undertaken for the protection and enhancement of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community. The person taking the action must obtain agreement from any third parties responsible for management actions and provide details of the responsible parties, including their position or status as a separate contractor, to the department.</p>	Compliant	<p>On 25 June 2014, in response to DNRM's declared area offer, Peabody's related body corporate Peabody (Burton Coal) Pty Ltd requested a voluntary declaration under the Vegetation Management Act 1999 be made in respect of 112.5 hectares located within Lot 13 on SP178466 to offset the impact of the MEP on the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community.</p> <p>The voluntary declaration incorporates the Wotonga Offset Area Management Plan – Millennium Expansion Project dated 28 November 2013 which includes suitable management actions to protect and enhance the Brigalow ecological community. Millennium has undertaken a tender process to engage a suitable consultant to ensure the management actions are completed. The successful consultant is Ecology and Heritage Partners and will address the following:</p> <p>Ecological assessments as detailed in Table 6: Proposed monitoring schedule, of the Wotonga Offset Area Management Plan. This will include visual assessments, photo-monitoring & a bio-condition assessment</p> <p>Land management will be as detailed in Table 5: Schedule of management actions, of the Wotonga Offset Area Management Plan. This will include:</p> <ul style="list-style-type: none"> • Fence installation and maintenance (as required) • Fire break installation and maintenance • Weed control • Feral animal control (baiting)

			<ul style="list-style-type: none"> • Installation of erosion control measures and any erosion repairs
2	<p>To offset the impacts to the Brigalow Acacia harpophylla dominant and co-dominant) ecological community, the person taking the action must submit to the Minister for approval an Offset Management Plan within 12 months of the date of this approval.</p> <p>This offsets management Plan must include, at a minimum, the following information:</p> <p>a) The desired outcomes/objectives of implementing the plan;</p> <p>b) details of Brigalow endangered ecological community</p> <p>c) details of management actions to protect and enhance the extent and condition of the threatened species habitat values including rehabilitation, weed control, fire management, erosion and sediment control livestock and restrictions on access, within the offset area;</p> <p>d) and timing, responsibilities and performance criteria for such actions;</p> <p>e) a monitoring plan including ecological surveys that must be undertake to assess the success of the management measures against identified milestones and objectives;</p> <p>f) a process to report, to the department, the management actions undertaken in the offsets areas and the outcome of those actions, including identifying and need for improved management;</p> <p>g) a description of the potential risks to successful management and rehabilitation in the offsets area, and a description of the contingency measures that would be implemented to mitigate these risks; and,</p> <p>h) The details of parties responsible for monitoring, reviewing and implementing the plan.</p> <p>The Offset Management Plan must be implemented.</p>	Compliant	<p>2a to g): The Wotonga Offset Area Management Plan – Millennium Expansion Project dated 28 November 2013 was lodged and accepted by the Department of Environment on 14 February 2014 and addresses all items (a)-(g).</p> <ul style="list-style-type: none"> • Millennium has undertaken a tender process to engage a suitable consultant to ensure the management actions are completed. The successful consultant is Ecology and Heritage Partners. • Year 1 Biocondition assessment completed on 4 August 2015 • Year 1 Fauna assessment completed between 9 – 13 December 2015 • Year 2 Visual inspection assessment on 13 April 2016 • Year 2 Visual inspection assessment completed on 23 August 2016 • Year 3 Visual inspection assessment on 2 May 2017 • Year 3 Biocondition assessment completed on 22 August 2017 • Year 4 Visual inspection assessment on 28 June 2018 • Year 4 Visual inspection assessment on 21 September 2018 • Year 5 Visual inspection and Photo-monitoring assessment on 28 June 2019

3	<p>Before impacting or removing any EPBC listed ecological community or species, the person taking that action must provide to the Minister a Threatened Flora and Fauna Species and Ecological Communities Management Plan. The Plan must contain, but is not limited to, the following:</p> <p>a. Management actions relating to EPBC listed species; and</p> <p>b. Mitigation actions relating to EPBC listed species.</p> <p>The Threatened Flora and Fauna Species and Ecological Communities management Plan must be implemented. This plan may be made publicly available on the internet by the department.</p>	Compliant	<p>The Threatened Flora and Fauna Species and Ecological Communities Plan was submitted to the Department of Environment on the 13th of May 2014.</p>
4	<p>Within 14 days from the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement of construction.</p>	Compliant	<p>The approved Wotonga Offset Strategy – Millennium Expansion Project dated 28 November 2013 addresses offsets required as a consequence of the clearance of a total 22.5 hectares of Brigalow Acacia harpophylla which occurred both prior to and subsequent to the referral of the MEP for approval pursuant to the EPBC Act. The commencement of construction (vegetation clearing in advance of the Mavis Pit boxcut) occurred on or about 29 October 2011.</p>
5	<p>Within three months of every 12 month anniversary of the commencement of construction, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions.</p> <p>Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.</p>	Compliant	<ul style="list-style-type: none"> • June 2014 report completed and uploaded to Millenniums website. • August 2015 report completed and uploaded to Millennium website. • June 2016 report completed and uploaded to Millennium website. • June 2017 report completed and uploaded to Millennium website. • 2018 report completed and uploaded to Millennium website. • 2019 report completed and uploaded to Millennium website.

6	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.	Compliant	No direction from the Minister has been issued.
7	If the person taking the action wished to carry out any activity otherwise than in accordance with the Plans referred to in conditions 2 and 3, 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. If the Minister approves the revised plan, that plan must be implemented in place of the plan originally approved.	Not Applicable	No variation required.
8	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to plans 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 plan must be implemented. Unless the Minister has approved the revised plan then the person taking the action must continue to implement the original plan.	Not Applicable	No requests from the Minister
9	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.	Not Applicable	The action has already commenced.

10	<p>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.</p> <p>Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, 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>	Compliant	<p>Peabody has an Action Tracking system the conditions of the approval and actions associated to the management of this area (Management plan) are being entered along with any supporting documentation.</p>
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