



MOUNT PLEASANT OPERATION
EPBC APPROVAL 2011/5795
2022 ANNUAL COMPLIANCE REPORT

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| Document ID: | MPO EPBC Approval 2021 Annual Compliance Report | | |
| Company: | MACH Energy Australia Pty Ltd | | |
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In accordance with Condition 28 of EPBC Approval 2011/5795:

“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. 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”.

Commencement of construction at the Mount Pleasant Operation (MPO) began on 25 November 2016. The following Annual Compliance Report addresses compliance with the conditions of EPBC Approval 2011/5795 between 25 November 2021 and 25 November 2022 (prior to the variation on 24 January 2023).

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| Disturbance Areas | | | |
| 1. | <i>The person taking the action must not clear more than 2,591 ha of the EPBC listed “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland” critically endangered ecological community (572 ha of woodland and 2019 ha of derived native grasslands) within the Mount Pleasant Project Area identified in Appendix A of these conditions.</i> | Compliant | Approximately 4.52 hectares (ha) of EPBC listed “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland” was cleared at the MPO Project Area between 25 November 2021 and 25 November 2022. The cumulative area of “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland” cleared as at 25 November 2022 is approximately 426.39 ha. |
| Offset Areas | | | |
| 2. | <p><i>Mechanisms to secure offsets</i></p> <p><i>“The person taking the action must enter into a legally binding conservation covenant with the Minister over the Biodiversity Management Areas identified in the map at Appendix B no later than 25 November 2022. The mechanism/s must provide enduring protection of no less than:</i></p> <ul style="list-style-type: none"> <i>a) 12 875 ha of White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community</i> <i>b) 8475 ha of suitable habitat for Anthochaera Phrygia (regent honeyeater) and Lathamus discolor (Swift Parrot)</i> <i>c) 8475 ha of suitable habitat for Dasyurus maculatus (Spotted-tail Quoll)</i> <i>d) 8475 ha of suitable habitat for Nyctophilus corbeni (Greater-long-eared Bat).</i> <p><i>Note: Offsetting requirements for some species’ habitat may be accommodated within the White Box - Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community components if this habitat is verified as present and includes specific habitat requirements for each relevant species.”</i></p> | Compliant | <p>MACH Energy’s preferred mechanism for securing the MPO Biodiversity Management Areas (BMAs) is a Conservation Agreement, between MACH Energy and the Federal Minister for the Environment, pursuant to Part 14 of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).</p> <p>MACH Energy submitted to the Department on 9 December 2019 (during the previous reporting period) a draft Conservation Agreement for the Department’s review and consideration. The Department provided a revised draft Agreement for MACH Energy’s consideration on 14 August 2020.</p> <p>Following internal and external legal counsel review, a revised draft Agreement was most recently submitted to the Department for consideration on 3 November 2022.</p> <p>Please note that EPBC Approval 2011/5795 was varied on 24 January 2023 (i.e. after the 2022 reporting period) to allow for the security of the BMAs to be achieved by 25 March 2023. The Conservation Agreement submission on 3 November 2022 is consistent with the recently varied condition, quoted below:</p> <p><i>“To offset impacts to EPBC Act listed threatened species and ecological communities, the person taking the action must:</i></p> <ul style="list-style-type: none"> <i>a) by no later than 25 March 2023, enter into a legally binding</i> |

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| 2 cont. | | Cont. | <p>conservation agreement with the Minister for the offset areas; through the implementation of the Offset Management Plan and Re-establishment Plan approved by the Minister in accordance with these conditions of approval, provide no less than the following within the offset areas:</p> <ul style="list-style-type: none"> i. 11 962 ha of White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community; ii. 8 475 ha of suitable habitat for <i>Anthochaera Phrygia</i> (Regent Honeyeater) and <i>Lathamus discolor</i> (Swift Parrot); iii. 8 475 ha of suitable habitat for <i>Dasyurus maculatus</i> (Spotted-tail Quoll); and iv. 8 475 ha of suitable habitat for <i>Nyctophilus corbeni</i> (Greater-long-eared Bat). <p>c) by no later than 25 November 2023, enter into a biodiversity stewardship agreement made under the NSW Biodiversity Conservation Act 2016 for no less than 913 ha of White Box – Yellow Box - Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community (of which no less than 600 ha is woodland). The approval holder must provide shapefiles for the areas covered by the biodiversity stewardship agreement to the department within 20 business days of entering into the biodiversity stewardship agreement.</p> <p><i>Note: With respect to condition 2(b), offsetting requirements for some species’ habitat may be accommodated within the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community components if this habitat is verified as present and includes specific habitat requirements for each relevant species”.</i></p> <p>In accordance with the varied approval, MACH Energy continues to work with the Department to finalise the Conservation Agreement.</p> |
| <i>Offset Management Plan</i> | | | |
| 3. | <i>The person taking the action must submit to the Minister for approval an Offset Management Plan for the Biodiversity Management Areas by no later than 31 May 2013, or as otherwise agreed to in writing by the Minister. The Offset Management Plan must contain details of measures to offset the impacts to the White Box - Yellow Box -Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, and fauna species identified in condition 2. The approved Offset Management Plan must be implemented.</i> | Compliant | <p>The MPO Offset Management Plan (OMP) was submitted to the Minister for the Environment for approval in May 2013. The OMP was approved by the Minister for the Environment on 18 June 2015.</p> <p>A revised OMP was prepared by MACH Energy and submitted to the Department on 9 September 2019 (during the previous reporting period) to reflect MACH Energy Australia Pty Ltd’s acquisition of the MPO and the BMA properties from Rio Tinto’s Coal & Allied and to include other administrative revisions.</p> |

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| 3 cont. | | Cont. | <p>The Department provided review comments during the 2020 reporting period. As part of the revisions to the OMP to address the Department's comments, the OMP was integrated with the Re-establishment Plan (required under Condition 11 of EPBC Approval 2011/5795). The integrated OMP and Re-establishment Plan (OMPRP) was submitted to the Department on 8 June 2020. The delegate of the Minister for the Environment approved the integrated OMPRP on 22 October 2020.</p> <p>MACH Energy continued to implement the updated OMPRP throughout the 2022 reporting period, including the continuation of the approved Re-Establishment Area planning activities.</p> <p>A revised OMPRP is currently being prepared, in order to reflect the recently varied EPBC Approval 2011/5795 (current as at 24 January 2023).</p> |
| 4. | <p><i>The Offset Management Plan must include, but not be limited to, the following information:</i></p> <p>a) <i>a text description and map to clearly define the location and boundaries of the Biodiversity Management Areas. This must be accompanied with the offset attributes and a shapefile.</i></p> | Compliant | <p>As described above, the OMP was approved by the Minister for the Environment on 18 June 2015, with the updated OMPRP approved by the delegate of the Minister for the Environment on 22 October 2020.</p> <p>Accordingly, with this approval, the OMPRP complies with each of the requirements of Condition 4a, b, c and d. A brief overview of compliance is detailed in rows below relevant to Condition 4.</p> <p>A description of the location of the BMAs is provided in Section 2.1 of the OMPRP, with mapping of the regional location shown in Figure 1 and boundaries of the BMA properties shown in Figures 3a to 3c. Appendix B of the OMPRP also provides a biophysical description of the BMAs.</p> <p>The offset attributes and shapefiles were submitted to the Department in May 2013 with the former OMP version. The spatial shapefiles of the BMA property boundaries, key infrastructure including fencelines and tracks, management areas (including Land Management Unit boundaries, tree buffer zones and Agricultural buffer zones) are available on the MACH Energy Biodiversity Offsets Portal. These will be updated once the revised OMPRP has been finalized. The Department has access to the portal and can retrieve information at any time.</p> |

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| 4 cont. | <p>b) <i>a detailed survey and description (prior to any management activities, hence a baseline) of the current condition of the extant vegetation of each Biodiversity Management Area. This must be consistent with the State and Transition Model and include but not limited to:</i></p> <ul style="list-style-type: none"> i. <i>location of survey points (gps reference)</i> ii. <i>vegetation condition mapping</i> iii. <i>photo reference points</i> iv. <i>tree age class representation</i> v. <i>percentage tree canopy cover</i> vi. <i>number of native plant species in ground layer</i> vii. <i>percentage of nativeness of total plant groundcover (herbaceous plants and small shrubs, 1m tall), measured using basal area</i> viii. <i>description of fauna habitat including condition, type and connectivity</i> ix. <i>bird and reptile surveys.</i> | Compliant | <p>Section 2.5 (Baseline Ecological Condition) of the OMPRP summarises the results from baseline ecological monitoring surveys conducted in October and November 2013 across the BMAs for Indicators of Ecosystem Condition (IEC) and for EPBC Act listed Box Gum Grassy Woodlands. The complete <i>Baseline Flora, Fauna and Soil Assessment</i> report prepared by Cumberland Ecology (2013) has been incorporated into the OMPRP in Appendix E. Cumberland Ecology's (2013) report can also be accessed on the MACH Energy Biodiversity Offsets Portal. Section 2.2 of the OMPRP describes the ecological communities mapped across the BMAs. Further baseline monitoring for the relevant birds and mammals listed under the EPBC Act continued in 2014.</p> |
| 4 cont. | <p><i>The detailed description will provide the baseline condition for the purpose of monitoring;</i></p> <p>c) <i>details of management actions that will improve the baseline condition (referred to in condition 2 (b)), of a minimum of 12,875 ha within the Biodiversity Management Areas consistent with the State and Transition Model, listing advice and recovery plan for the White Box - Yellow Box - Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community</i></p> | Compliant | <p>Section 2.4 of the OMPRP describes that each BMA property has been categorised into Land Management Units (LMUs). Each LMU has been assigned one of four condition categories with consideration of:</p> <ul style="list-style-type: none"> • the level of disturbance of the ecological communities; • the extent and connectivity of the ecological communities; and • the "state" as classified by the "State and Transition Model" described in <i>A Guide to Managing Box Gum Grassy Woodlands</i> (Rawlings, 2010). <p>Section 4 of the OMPRP details the Conservation Management Strategies that will be implemented for the BMAs. Section 5 of the OMPRP details the Monitoring Programme that will be implemented to assess changes in the vegetation and habitats of the BMAs against the key performance indicators in Section 3.2 and to assess the performance/effectiveness of the Conservation Management Strategies.</p> |

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| 4 cont. | <p>d) <i>management implementation schedules for all Biodiversity Management Areas identifying targeted activities for specific areas to protect and enhance the extent and condition of habitat values of the Biodiversity Management Areas, including but not limited to:</i></p> <ul style="list-style-type: none"> i. <i>a map showing areas to be managed</i> ii. <i>type of actions for each area and details of methods to be used</i> iii. <i>timing of management activity for each area</i> iv. <i>performance criteria for each area</i> v. <i>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 White Box - Yellow Box - Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. This should include, but not limited to, control sites, periodic ecological surveys to be undertaken by a suitably qualified ecologist</i> vi. <i>contingency measures to be implemented if performance criteria are not met</i> vii. <i>process to report, to the department, the progress of management activities undertaken in the Biodiversity Management Areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement</i> viii. <i>details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor</i> ix. <i>details of the independent committee review of the Offset Management Plan as set out in condition 24.</i> <p><i>Note: Unless otherwise agreed to in writing by the department the baseline surveys must be undertaken between September and November, and monitoring must include September and November.</i></p> | Compliant | <p>Section 4 of the OMPRP details the Conservation Management Strategies that will be implemented for the BMAs and includes mapping of the LMU's.</p> <p>Section 3 of the OMPRP details the conservation objectives and the key performance indicators for the biodiversity values of the BMAs.</p> <p>Section 5 of the OMPRP describes the monitoring programmes that will be implemented.</p> <p>Table 19 (Risks to Revegetation Success and Corrective Measures) (in Section 4.5.8) and Table 25 (Risk Management Matrix) (in Section 6) of the OMPRP identify key risks associated with the OMPRP Conservation Management Strategies and successful achievement of OMPRP objectives and performance criteria.</p> <p>Sections 1.2.4 and 4 of the OMPRP detail the reporting processes.</p> <p>Section 1.2.3 (including Table 1) details the key project roles responsible for management and implementation of the OMPRP, and outlines that the Advisory Committee provides advice on the management of the BMAs and review of the plans required under EPBC Approval 2011/5795.</p> |

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| 5 | <i>Where the person undertaking the action has proposed cropping activities on non-offset areas within the offset properties, a minimum 150m buffer zone surrounding the cropping area must be established in order to protect the proposed offset areas.</i> | Compliant | <p>Cropping activities within LMU 4 (Non-offset) areas of the BMAs were undertaken during the reporting period to comply with Condition 4 of EPBC Approval 2011/5795 and are subject to quarterly Agricultural Audits. The Agricultural Audit reports are available, to authorised parties (including the Department), on the MACH Energy Biodiversity Offsets portal.</p> <p>Figures 11a to 11d of the OMPRP identify the 150m 'Agriculture buffer zones' and 'Tree buffer zones'.</p> <p>As described in Section 4.7 of the OMPRP, cropping areas of the Black Rock and Gumridge properties will be gradually converted into perennial pastures. Table 21 (Areas and Timeframes for Conversion to Perennial Pastures) of the OMPRP lists the areas that have been or are scheduled to be converted to perennial pasture and the proposed timeframe.</p> <p>No cropping activities were undertaken within 150 m of offset areas or within 10 m of a tree,</p> |
| 6 | <i>No cropping activities are to be undertaken within 10m of a tree.</i> | Compliant | <p>Figures 11a to 11d of the OMPRMP identify the 'Land Management Unit 4 (Non-offset)' areas in which cropping is undertaken, and the 'Agriculture buffer zones' and 'Tree buffer zones'.</p> |
| 7 | <i>The person undertaking the action must submit to the department, as part of the Offset Management Plan identified in condition 3, a map identifying cropping areas and buffer zones.</i> | Compliant | <p>Section 4.4 of the OMPRP details the Strategic Grazing regime for the BMAs. Table 13 details the Targeted Strategic Grazing Regime for Land Management Units (LMUs) 2 and 3. Figures 11a to 11d show the locations of LMUs 2 and 3.</p> <p>Grazing activities within the BMAs were undertaken during the reporting period to comply with Condition 8 of EPBC Approval 2011/5795 and are subject to quarterly Agricultural Audits. The Agricultural Audit reports are available, to authorised parties (including the Department), on the MACH Energy Biodiversity Offsets portal.</p> |
| 8 | <p><i>Where strategic grazing has been proposed as a management activity, the person undertaking the action must provide, as part of the Offset Management Plan identified in condition 3, details of the proposed grazing activities for each Biodiversity Management Area. This must include:</i></p> <ul style="list-style-type: none"> <i>a) objectives</i> <i>b) a map showing areas to be grazed</i> <i>c) details of the grazing methods to be used</i> <i>d) timing including seasons in which grazing will occur, period of grazing and rest period</i> <i>e) proposed stocking rate per season</i> <i>f) monitoring of impacts of grazing including any changes in the condition of vegetation, habitat and weed density.</i> | Compliant | <p>Section 4.4 of the OMPRP details the Strategic Grazing regime for the BMAs. Table 13 details the Targeted Strategic Grazing Regime for Land Management Units (LMUs) 2 and 3. Figures 11a to 11d show the locations of LMUs 2 and 3.</p> <p>Grazing activities within the BMAs were undertaken during the reporting period to comply with Condition 8 of EPBC Approval 2011/5795 and are subject to quarterly Agricultural Audits. The Agricultural Audit reports are available, to authorised parties (including the Department), on the MACH Energy Biodiversity Offsets portal.</p> |

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| 9 | <p><i>Grazing activities must be undertaken in accordance with the guidelines for Strategic Grazing (Rawlings et al., 2010). A minimum sward height of 10cm and 70% groundcover must be maintained at all times on at least 50% of the area to be grazed, as specified in the Offset Management Plan.</i></p> <p><i>Note: Conditions 5,6,7,8 and 9 must be implemented unless otherwise agreed to in writing by the department.</i></p> | Compliant | <p>Section 4.4 of the OMPRP (Strategic Grazing) has been prepared in consideration for the guidelines for strategic grazing as outlined in Section 12 of Rawlings et al. (2010) <i>A Guide to Managing Box Gum Grassy Woodland</i>.</p> <p>Grazing activities within the BMAs were undertaken during the reporting period to comply with Condition 4 of EPBC Approval 2011/5795 and are subject to quarterly Agricultural Audits. The Agricultural Audit reports are available, to authorised parties (including the Department), on the MACH Energy Biodiversity Offset portal.</p> <p>Each of the quarterly 2022 Agricultural Audit reports for the BMA paddocks assessed indicated compliance with the requirements of Condition 9.</p> |
| 10 | <p><i>If the person undertaking the action proposes to undertake any action within the Biodiversity Management Areas secured under condition 2, other than those management activities related to managing the Biodiversity Management Areas, or as set out in the conditions approval 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 MNES. If the Minister agrees to the action within the Biodiversity Management Area, the area identified for the action must be excised from the proposed Biodiversity Management Areas and alternative offsets secured at a ratio of 20:1 in relation to the impact on MNES.</i></p> | Compliant | <p>No actions other than those described in the OMPRP were undertaken in the BMAs during the reporting period.</p> |
| 11 | <p><i>Re-establishment of Woodland in the Biodiversity Management Areas</i></p> <p><i>Within 3 years of the commencement of construction the person undertaking the action must provide, for the approval of the Minister, a Re-establishment Plan for the Biodiversity Management Areas secured under condition 2. The approved Re-establishment Plan must be implemented.</i></p> | Compliant | <p>Construction of the MPO commenced on 25 November 2016. The MPO EPBC Act Biodiversity Management Areas Re-establishment Plan (RP) was lodged with the Department on 25 November 2019.</p> <p>As described earlier in this report (refer Condition 3), the RP was integrated into the OMP during the reporting period and the delegate of the Minister for the Environment approved the OMPRP on 22 October 2020.</p> |
| 12 | <p><i>The Re-establishment Plan must provide for commitments and activities to deliver the increase in the spatial extent and improvement in the condition of existing remnants by at least 677 ha within 10 years of the commencement of construction, and for the establishment of self sustaining functional remnant vegetation community, with the capacity to provide habitat for the species identified in condition 2.</i></p> | Compliant | <p>Sections 4.5.4 and 4.5.5 of the RP describe the revegetation strategies and management measures that will be undertaken to deliver the increase in the spatial extent and improvement in the condition of existing remnants by at least 677 ha, and for the establishment of self-sustaining functional remnant vegetation communities, with the capacity to provide habitat for the species identified in Condition 2 of EPBC Approval 2011/5795.</p> |

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| 13 | <p><i>The Re-establishment Plan must include:</i></p> <ul style="list-style-type: none"> a) <i>details of the areas to be re-established (re-establishment areas) including location and maps</i> b) <i>documentation including mapping of current environmental values relevant to MNES of the re-establishment areas</i> c) <i>where revegetation through planting seedlings and/or seeds is intended details of appropriate species and ratios of species relevant to historically occurring listed migratory and listed threatened species habitat and the White Box-Yellow Box-Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community</i> d) <i>the source and provenance of the seed and/or seedlings which will be used</i> e) <i>measures to address threats to MNES including but not limited to grazing pressure and damage by livestock and adverse impacts from feral animals and weeds</i> f) <i>measures to provide fire management regimes appropriate for the MNES</i> g) <i>measures to manage the White Box – Yellow Box –Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community in accordance with the recommendations of the approved recovery plan for the ecological community</i> h) <i>monitoring measures including ecological surveys to measure the establishment and ongoing success of the revegetation based on a comparison with high quality habitat for listed migratory and listed threatened species, and ecological community reference sites</i> i) <i>performance measures and reporting requirements against identified objectives, including trigger levels for contingency measures to be taken to ensure performance measures and objectives are met</i> j) <i>identify persons responsible and arrangements for implementing the Re-establishment Plan and for reporting on performance.</i> | Compliant | <p>As described earlier in this report (refer responses to Conditions 3 and 11), the RP was approved by the delegate of the Minister for the Environment on 22 October 2020. Accordingly, with this approval, the OMPRP complies with the requirements of Condition 13.</p> <p>Table A-1 in Appendix A of the OMPRP outlines where within the OMPRP each of the requirements of Condition 13 (and other Conditions relevant to the OMPRP) are addressed.</p> |
| 14 | <p><i>To ensure the long-term protection of the Re-establishment Areas, as described in condition 13.a), the proponent must:</i></p> <ul style="list-style-type: none"> a) <i>manage and maintain the White Box – Yellow Box –Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community components of the Re-establishment Area</i> b) <i>Define contingency measures which will be undertaken if performance measures and reporting indicate that successful re-establishment has not been achieved within 15 years of commencement of construction.</i> | Compliant | <p>Sections 4.5.5 and 4.5.6 of the RP describe the measures that will be undertaken to manage and maintain Box Gum Grassy Woodland revegetation areas, and the monitoring programme including completion criteria commitments that would be used to manage and maintain the Box Gum Grassy Woodland components of the Re-establishment areas.</p> <p>Section 4.5.8 of the RP includes potential risks to revegetation success and corrective measures that would be undertaken to mitigate the risks. As described in Section 4.5.6, monitoring would be undertaken to track the successful development of the Re-establishment Areas.</p> |

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| Indirect Offsets | | | |
| 15 | <p><i>Indirect offsets security</i></p> <p><i>To compensate for the loss of the White Box - Yellow Box -Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community the person taking the action must provide [\$]1,000,000 over the life of the project to fund high priority weed activities that are consistent with the recovery actions identified in the National Recovery Plans for the White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community. A detailed Weed Project Plan governing the provision and timing of the [\$]1,000,000 funding for the activities and outcomes must be developed. The Weed Project Plan must be provided to the Minister for approval, within 12 months of the commencement of construction or otherwise agreed in writing by the Minister.</i></p> | Compliant | The Weed Project Plan was submitted to the Department on 24 November 2017 and approved on 1 June 2018. |
| 16 | <p><i>To compensate for the loss of habitat for the regent honeyeater and swift parrot the person taking the action must provide [\$]2,000,000 over the life of the project to deliver activities that implement the priority recovery actions identified in the National Recovery Plans for the regent honeyeater and swift parrot. A detailed Woodland Birds Project Plan governing the provision and timing of the [\$]2,000,000 funding for the activities and outcomes must be developed. The Woodland Birds Project Plan must be provided to the Minister for approval, within 18 months, of the commencement of construction, or otherwise agreed in writing by the Minister.</i></p> | Compliant | The Woodland Birds Project Plan was submitted to the Department on 27 April 2018 and approved on 1 June 2018. |
| 17 | <p><i>The approved Weed and Woodland Birds Project Plan must be implemented.</i></p> | Compliant | <p>Payment was made in 2022 by MACH Energy to Hunter Local Land Services, consistent with the approved Weed Project Plan.</p> <p>Progress against established performance indicators (as described in the Weed and Woodland Birds Project Plans) were reported to MACH Energy by the participating entities during the reporting period.</p> <p>The Progress Reports are available, to authorised parties (including the Department), on the MACH Energy Biodiversity Offsets portal.</p> |

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| 18 | <p><i>Project plans for the listed species and ecological communities</i></p> <p><i>“The Weed and Woodland Birds Project Plans must include, at a minimum, the following information:</i></p> <ul style="list-style-type: none"> a) <i>details of governance arrangements for an independent Trust, which may include representatives of Coal and Allied or similar organisation to oversee the implementation of the funded activities, including:</i> <ul style="list-style-type: none"> i. <i>roles and responsibilities of individuals or organisations involved with implementation of the Project Plan</i> ii. <i>measures to account for recovery actions identified as priorities by the White Box - Yellow Box -Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, regent honeyeater and swift parrot recovery teams</i> iii. <i>consultation with organisations aiming to facilitate the conservation of the White Box - Yellow Box -Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, regent honeyeater and swift parrot.</i> b) <i>the specific activities that will be funded and the aims and objectives of the activities</i> c) <i>the timing of commencement and duration of activities;</i> d) <i>the mechanisms to monitor and assess the effectiveness of the activities undertaken</i> e) <i>the mechanisms to demonstrate the benefit to the White Box - Yellow Box- Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, regent honeyeater and swift parrot</i> f) <i>the mechanisms to ensure that new or different activities will be funded, from within the agreed funding package of 1,000,000 over the life of the project for White Box - Yellow Box Blakely’s Red Gum Grassy Woodland and Derived Native Grassland Ecological Community and 2,000,000 over the life of the project for regent honeyeater and swift parrot, on the basis of monitoring information, advances in knowledge of species ecology, or the changing priorities as identified by recovery teams</i> g) <i>the mechanisms to ensure that knowledge and information gained from these activities is easily available and useable to the department, to the general public and the scientific community, including website details</i> h) <i>measures to ensure that funds are spent in accordance with the uses specified in these conditions of approval</i> | Compliant | <p>The Weed Project Plan was developed in consultation with the Hunter – Local Land Service to support research into high priority weed activities and aid the recovery of the “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland”.</p> <p>The Woodland Birds Project Plan was developed in consultation with the Australian National University, the NSW Office of Environment and Heritage, Birdlife Australia, Taronga (Sydney and Western Plains Zoo’s), the Swift Parrot Recovery Team and the Regent Honeyeater Recovery Team.</p> <p>The Weed Project Plan was submitted to the Department on 24 November 2017 and approved on 1 June 2018.</p> <p>The Woodland Birds Project Plan was submitted to the Department on 27 April 2018 and approved on 1 June 2018.</p> <p>MACH Energy completed its funding obligations to Birdlife Australia and the Australian National University for both the Regent Honey-eater Program and Swift Parrot Program, in accordance with the requirements of the Woodland Birds Project Plan, during the 2020 reporting period.</p> <p>MACH Energy’s final funding instalment for Taronga (Sydney and Western Plains) Zoo’s Regent Honey-eater Program was completed in July 2021. The provision of funding required under Condition 16 above was therefore satisfied during the reporting period.</p> |

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| 18 Cont. | <p>i) a mechanism for proof of payment to agreed parties to undertake agreed activities</p> <p>j) measures to incorporate and integrate with any relevant separately funded activities (if any) for the conservation of the White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community, regent honeyeater and swift parrot and associated habitat for EPBC-listed species and communities at the landscape level, consistent with priorities identified by recovery teams for the relevant species or communities".</p> | Cont. | Cont. |
| Mine Site Rehabilitation | | | |
| 19 | <i>The person taking the action must, within 3 years of the commencement of construction, submit to the Minister for approval a Mine Site Rehabilitation Plan for the progressive rehabilitation and revegetation of no less than 1,000ha of White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland Ecological Community on the project area (as identified in Appendix A).</i> | Compliant | Construction of the MPO commenced on 25 November 2016. The MPO EPBC Act Threatened Ecological Community Mine Site Rehabilitation Plan (TEC MSRP) was lodged with the Department on 25 November 2019. The delegate of the Minister for the Environment approved the TEC MSRP on 22 October 2020. |
| 20 | <p><i>This Mine Site Rehabilitation Plan must include, at a minimum, the following information:</i></p> <p>a) <i>the desired outcomes/objectives of implementing the Plan</i></p> <p>b) <i>details of the vegetation communities to be rehabilitation and the timing of progressive rehabilitation</i></p> <p>c) <i>criteria to determine success of rehabilitation of White Box - Yellow Box Blakelys Red Gum Grassy Woodland and Derived Native Grassland Ecological Community</i></p> <p>d) <i>a process to progressively report 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</i></p> <p>e) <i>a description of the potential risks to successful management and rehabilitation on the project site, and a description of the contingency measures that would be implemented to mitigate these risks</i></p> <p>f) <i>details of parties responsible for reviewing and implementing the Plan</i></p> <p>g) <i>details of long-term management and protection of the mine site.</i></p> | Compliant | With approval of the TEC MSRP, the plan complies with each of the requirements of Condition 20. Table 1-1 in Section 1.2 of the TEC MSRP outlines where within the plan each of the requirements of Condition 20 are addressed. |
| 21 | <i>The person undertaking the action must submit to the Minister for approval the Mine Closure Plans, at least 6 months prior to the mine closure. The approved Plan must be implemented.</i> | Compliant | Not triggered. EPBC Approval 2011/5795 has effect until 28 October 2040. |

| EPBC Approval 2011/5795 Conditions | | Status | MACH Energy Comment |
|------------------------------------|--|-----------|--|
| Advisory Committee | | | |
| 22 | <i>The person undertaking the action must, within 6 months of this approval, establish an advisory committee to review and provide advice on the management activities of the Biodiversity Management Areas.</i> | Compliant | The Offset Advisory Committee was established within the 6 month period in accordance with Condition 22. |
| 23 | <i>Within 3 months of establishing the advisory committee, the person undertaking the action must provide to the Minister for approval the terms of reference for the advisory committee. The terms of reference must include:</i> a) <i>Purpose</i> b) <i>membership including the roles and responsibilities of members</i> c) <i>timeframes</i> d) <i>governance (operating guidelines)</i> e) <i>describe how the committee will consult with relevant stakeholders (e.g. recovery planning teams, Catchment Management Authority)</i> f) <i>reporting</i> g) <i>resources and funding.</i> | Compliant | Terms of reference for the Offset Advisory Committee have been established and submitted to the Department. |
| 24 | <i>The person taking the action will be required to submit all plans referred to in the conditions, (with the exception of the mine closure plan referred to in Condition 21), to the advisory committee for review. Once reviewed the plans must be submitted to the Minister for approval as specified in the conditions.</i> | Compliant | The TEC MSRP was submitted to the Offset Advisory Committee for review during the previous reporting period and was endorsed. The OMPRP was also reviewed by the Offset Advisory Committee during the reporting period and was endorsed. Copies of the Offset Advisory Committee meeting minutes are available on the MACH Energy Biodiversity Offsets portal. The Department has access to the portal and can retrieve information at any time. |
| 25 | <i>All expenses incurred by the establishment and ongoing function of the advisory committee will be at the funding of the person undertaking the action.</i> | Compliant | MACH Energy financed the establishment of the Offset Advisory Committee and will continue to finance activities incurred by the function of it. |
| Survey Data | | | |
| 26 | <i>All survey data collected for the project must be collected and 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 MNES. 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.</i> | Compliant | Survey data from MPO is maintained on the MACH Energy Biodiversity Offsets Portal. The Department has access to the portal and can retrieve information at any time. |

| EPBC Approval 2011/5795 Conditions | | Status | MACH Energy Comment |
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| Reporting and Auditing | | | |
| 27 | <i>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.</i> | Compliant | MACH Energy informed the Department of the commencement of construction of the MPO on 25 November 2016. |
| 28 | <i>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 of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published. The person taking the action must also notify any non-compliance with this approval to the department in writing within two business days of becoming aware of the non-compliance.</i> | Compliant | MACH Energy will submit this 2022 Annual Compliance Report to the Department on or before 25 February 2023, and will publish the report on MACH Energy's website. |
| 29 | <i>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.</i> | Compliant | Not triggered. The Minister did not request an independent audit of compliance during the reporting period. |
| 30 | <i>Where the conditions require the person undertaking the action to submit a plan for the Ministers approval, the person undertaking the action must maintain a register recording:</i> a) <i>the date on which each plan was approved by the Minister</i> b) <i>if a plan has not been approved, the date on which it was, or is expected to be, submitted to the Minister</i> c) <i>the dates on which reports on the outcomes of reviews have been approved by the Minister</i> d) <i>the dates on which the subsequent reviews are due.</i> | Compliant | MACH Energy maintains a register recording the details of submission and approval dates and details of the relevant plans required under EPBC Approval 2011/5795. |
| 31 | <i>The register must be submitted to the department, at the time the annual compliance report is published, but does not form part of the report.</i> | Compliant | The register will be submitted to the Department at the time of submission of this 2022 Annual Compliance Report. |

| EPBC Approval 2011/5795 Conditions | | Status | MACH Energy Comment |
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| 32 | <p>The person taking the action may choose to revise a Plan specified in conditions 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised Plan would not be likely to have a new or increased impact. If the person taking the action makes this choice they must notify the Department in writing that the approved Plan has been revised and provide the Department, at least four weeks before implementing the revised Plan, with:</p> <ul style="list-style-type: none"> a) an electronic copy of the revised Plan; b) an explanation of the differences between the revised Plan and the approved Plan; and c) the reasons the person taking the action considers that taking the action in accordance with the revised Plan would not be likely to have a new or increased impact. | Compliant | <p>Not triggered.</p> <p>MACH Energy has not revised a Plan specified in Conditions 15, 16, 18, 19, 20 and 21 of EPBC Approval 2011/5795 during the reporting period.</p> <p>Additionally, MACH Energy has not changed the action approved under EPBC Approval 2011/5795.</p> <p>As noted in the response to Condition 3, the revision of the OMP commenced during the 2019 reporting period, with the resulting integrated OMPRP approved during the 2020 reporting period and implemented during the 2021 and this reporting period.</p> |
| 32A | <p>The person taking the action may revoke their choice under condition 32 at any time by notice to the Department. If the person taking the action revokes the choice to implement a revised Plan, without approval under section 143A of the EPBC Act, the Plan approved by the Minister must be implemented.</p> | Compliant | Not triggered. |
| 32B | <p>If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised Plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a) condition 32 does not apply, or ceases to apply, in relation to the revised Plan; and b) the person taking the action must implement the Plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operations of conditions 32 and 32A in the period before the day the notice is given.</p> <p>At the time of giving the notice the Minister may also notify that, for a specified period of time, condition 32 does not apply for one or more specified Plans required under the approval.</p> | Compliant | Not triggered. |
| 32C | <p>Conditions 32, 32A and 32B are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised Plan to the Minister for approval.</p> | Compliant | Not triggered. |

| EPBC Approval 2011/5795 Conditions | | Status | MACH Energy Comment |
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| 32D | <i>If, for the purposes of the Plan approved by the Minister under conditions 3, 4 and 8, the person taking the action wishes to carry out an activity otherwise than in accordance with the approved Offset Management Plan, the person taking the action must submit to the Department for the Minister's written approval a revised version of that Plan. The person taking the action must not commence the varied activity until the Minister has approved the varied Plan. If the Minister approved the revised Plan, the Plan must be implemented in place of the Plan originally approved.</i> | Compliant | Not triggered. No actions other than those described in the OMPRP were undertaken in the BMAs during the reporting period. |
| 33 | <i>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.</i> | Compliant | Not triggered. The Minister did not request the revision of any management plans required under EPBC Approval 2011/5795 during the reporting period. |
| 34 | <i>The person taking the action must substantially commence the action by December 2020. If the action has not substantially commenced by December 2020, the person taking the action must seek written agreement of the Minister.</i> | Compliant | Substantial commencement of the action approved under EPBC Approval 2011/5795 occurred in 2018, with off-site transport of coal commencing in December 2018. |
| Publication of Plans | | | |
| 35 | <i>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 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 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.</i> | Compliant | MACH Energy maintains comprehensive records comprising all activities and outcomes associated with the EPBC 2011/5795 Approval Conditions. These records are available at the request of the Department. |
| 36 | <i>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.</i> | Compliant | The approved OMPRP and TEC MSRP are available on the MACH Energy website http://machenergyaustralia.com.au/ . |

¹ Based on MPO site disturbance from aerial imagery dated 31 December 2021 and vegetation mapping prepared by Hunter Eco (2018) and Cumberland Ecology (2011). Although site disturbance as at 31 December 2022 is marginally outside of the end of the 2022 reporting period (i.e. 25 November 2022), any change in disturbance between 25 November 2022 and 31 December 2022 was marginal, if any at all.