



**MOUNT PLEASANT OPERATION
EPBC APPROVAL 2011/5795
2019 ANNUAL COMPLIANCE REPORT**

Document ID:	MPO EPBC Approval 2019 Annual Compliance Report		
Company:	MACH Energy Australia Pty Ltd		
Effective Date:	25 February 2020	Status:	Final
Endorsed By:	Chris Lauritzen	Revision Number:	00

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 2018 and 25 November 2019.

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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 derived native grasslands) within the Mount Pleasant Project Area identified in Appendix A of these conditions.</i>	Compliant	Approximately 23.4 hectares (ha) of EPBC listed “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland” was cleared between 25 November 2018 and 25 November 2019. The cumulative area of “White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland” cleared as at 25 November 2019 is approximately 325.4 ha ¹ .
Offset Areas			
2	<p><i>Mechanisms to secure offsets</i></p> <p><i>“The person taking the action must register a legally binding conservation covenant over the Biodiversity Management Areas identified in the map at Appendix B no later than 25 November 2021. 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 machulatus (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 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 (just outside the reporting period) a draft Conservation Agreement for the Department’s review and consideration.</p> <p>MACH Energy continues to work with the Department to have the BMAs secured by 25 November 2021.</p>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
<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 Offset Management Plan (OMP) was submitted to the Minister for approval in May 2013. The OMP was approved by the Minister on 18 June 2015.</p> <p>MACH Energy implemented the OMP throughout the reporting period. A summary of the management actions undertaken during the reporting period is provided Attachment A.</p> <p>A revised OMP has been prepared by MACH Energy to reflect MACH Energy Australia Pty Ltd's acquisition of the MPO and the BMA properties from Rio Tinto's Coal & Allied. The revised OMP also included some minor revisions to reflect the outcomes from the May 2019 Offset Advisory Committee meeting. The revised OMP was submitted to the Department on 9 September 2019.</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>A description of the location of the BMAs is provided in Section 2.1 of the OMP, 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 OMP 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 OMP. 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. The Department has access to the portal and can retrieve information at any time.</p>
	<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> <i>ii. vegetation condition mapping</i> <i>iii. photo reference points</i> <i>iv. tree age class representation</i> <i>v. percentage tree canopy cover</i> <i>vi. number of native plant species in ground layer</i> <i>vii. percentage of nativeness of total plant groundcover (herbaceous plants and small shrubs, 1 m tall), measured using basal area</i> <i>viii. description of fauna habitat including condition, type and connectivity</i> <i>ix. bird and reptile surveys.</i> 	Compliant	<p>As described in Section 2.5 (Baseline Ecological Condition) of the OMP, baseline ecological monitoring surveys for Indicators of Ecosystem Condition (IEC) and EPBC Act listed Box Gum Grassy Woodlands ecological community were completed in October and November of 2013. The complete <i>Baseline Flora, Fauna and Soil Assessment</i> report prepared by Cumberland Ecology (2013) can be accessed on the MACH Energy Biodiversity Offsets Portal and is summarised in Section 2.5 of the OMP. Further baseline monitoring for the relevant birds and mammals listed under the EPBC Act continued in 2014.</p>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
4 cont.	<p><i>The detailed description will provide the baseline condition for the purpose of monitoring;</i></p> <p><i>c) 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 4 of the OMP details the Conservation Management Strategies that will be implemented for the BMAs. A summary of the management actions undertaken during the reporting period is provided in Attachment A.</p> <p>Section 2.4 of the OMP 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; • the "state" as classified by the "State and Transition Model" described in A Guide to Managing Box Gum Grassy Woodlands (Rawlings, 2010); and • management infrastructure. <p>Consistent with the OMP monitoring programme (Section 5), ecological monitoring was conducted by Australian Museum Business Services (AMBS) in November 2019 to monitor the changes in the Box Gum Grassy Woodlands and Derived Native Grasslands areas across the BMAs. As a component of AMBS' reporting, a review of the success of the conservation management strategies in maintaining or improving the condition of the Box Gum Grassy Woodlands and Derived Native Grassland areas, will be undertaken and the results reported during the next reporting period.</p>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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 qualified ecologist as agreed to in writing by the Minister</i> vi. <i>contingency measures to be implemented if performance criteria are not met</i> vii. <i>a 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 OMP 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 OMP details the conservation objectives and the key performance indicators for the biodiversity values of the BMAs.</p> <p>Section 5 of the OMP describes the monitoring programmes that will be implemented.</p> <p>Table 20 (Section 6) of the OMP details the Risk and Contingency Assessment Matrix which identifies key risks to the conservation objective and Key Performance Indicators (Section 3) of the OMP.</p> <p>Sections 1.2.4 and 4 of the OMP detail the reporting processes applicable to the OMP.</p> <p>Section 1.2.3 of the OMP and Table 20 details the key project roles responsible for management and implementation of the OMP, 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>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
5	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.	Compliant	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.
6	No cropping activities are to be undertaken within 10m of a tree.	Compliant	<p>Figures 11a to 11d of the OMP identify the 150m 'Agriculture buffer zones' and 'Tree buffer zones'.</p> <p>A summary of the cropping activities within select LMU 4 areas undertaken during the reporting period is provided Attachment A.</p> <p>As described in Section 4.7 of the OMP, cropping areas of the Black Rock and Gumridge properties will be gradually converted into perennial pastures. A summary of the status of conversion of these areas is provided in Attachment A.</p>
7	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.	Compliant	Figures 11a to 11d of the OMP identify the 'Land Management Unit 4 (Non-offset)' areas in which cropping is undertaken, and the 'Agriculture buffer zones' and 'Tree buffer zones'.
8	<p>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:</p> <ul style="list-style-type: none"> a) objectives; b) a map showing areas to be grazed; c) details of the grazing methods to be used; d) timing including seasons in which grazing will occur, period of grazing and rest period; e) proposed stocking rate per season; f) monitoring of impacts of grazing including any changes in the condition of vegetation, habitat and weed density. 	Compliant	<p>Section 4.4 of the OMP 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. A summary of the grazing activities undertaken during the reporting period is provided Attachment A.</p>
9	<p>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 identified in condition 8(b).</p> <p>Note: Conditions 5,6,7,8 and 9 must be implemented unless otherwise agreed to in writing by the department.</p>	Compliant	<p>Section 4.4 of the OMP (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>A number of BMA properties were de-stocked during the reporting period to maintain sward requirements during the prevailing drought conditions. A summary of the grazing activities undertaken during the reporting period is provided Attachment A.</p>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
10	<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>	Compliant	No actions other than those described in the OMP were undertaken in the BMAs during the reporting period.
11	<i>Re-establishment of Woodland in the Biodiversity Management Areas 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>	Compliant	Construction of the MPO commenced on 25 November 2016. The MPO EPBC Act Biodiversity Management Areas Re-establishment Plan (Re-establishment Plan) was lodged with the Department on 25 November 2019.
12	<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 5 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>	Compliant	Sections 3 and 5 to 9 of the Re-establishment Plan 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 within 5 years of the commencement of construction, 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. Given the similarities in the requirements for the Re-establishment Plan and the OMP, during the next reporting period, the Re-establishment Plan will be integrated within the OMP. This revised version of the OMP will include additional detail in relation to how performance against the requirements of Condition 12 will be measured.

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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 Reestablishment Plan and for reporting on performance.</i> 	Compliant	<p>Table 1 in Section 2.1 of the Re-establishment Plan outlines where within the plan each of the requirements of Condition 13 are addressed.</p> <p>As described above, the Re-establishment Plan will be integrated within the OMP. The revised version of the OMP will be lodged with the Department during the next reporting period.</p>
14	<p><i>To ensure the long term protection of the Re-establishment Areas, as described in condition 13a, the proponent must:</i></p> <ul style="list-style-type: none"> a) <i>manage and maintain the White Box - Yellow Box -Blakelys 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 10 years of commencement of construction.</i> 	Compliant	<p>Sections 5 and 6 of the Re-establishment Plan describe the measures that will be undertaken to manage and maintain Box Gum Grassy Woodland revegetation areas.</p> <p>Section 9 of the Re-establishment Plan describes the contingency measures that would be undertaken if monitoring results indicate that successful re-establishment of Box Gum Grassy Woodland EEC has not been achieved within 10 years of commencement of construction.</p> <p>As described in MACH Energy's response to Condition 2 above, MACH Energy's has sought the Department's acceptance for use of a Conservation Agreement pursuant to Part 14 of the EPBC Act, as the mechanism for securing the BMAs. It is intended that the provisions of this Agreement would provide for the long-term protection of the Box Gum Grassy Woodland EEC re-establishment areas.</p>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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>Payments were made in 2019 by MACH Energy to the participating entities, consistent with the approved Weed and Woodland Birds Project Plans.</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>

	EPBC Approval 2011/5795 Conditions	Status	MACH Energy Comment
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>

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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 was lodged with the Department on 25 November 2019.
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	Table 1-1 in Section 1.2 of the Mine Site Rehabilitation Plan 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. The MPO NSW Development Consent DA 92-97 allows mining operations to continue until 22 December 2026. MACH Energy proposes to extend mining operations beyond December 2026 as part of a Development Application in accordance with Part 4 of the NSW <i>Environmental Planning and Assessment Act 1979</i> . In conjunction with the NSW Development Application, MACH Energy would also lodge a variation to EPBC Approval 2011/5795 to reflect the proposed modified project.

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. Terms of reference for the Offset Advisory Committee have been established and submitted to the Department.
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) Purpose b) membership including the roles and responsibilities of members c) timeframes d) governance (operating guidelines) e) describe how the committee will consult with relevant stakeholders (e.g. recovery planning teams, Catchment Management Authority) f) reporting g) resources and funding".		
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>	Cont.	The revised OMP, Re-establishment Plan and Mine Site Rehabilitation Plan were submitted to the Offset Advisory Committee for review during the reporting period and were subsequently 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. MACH Energy financed the establishment of the Offset Advisory Committee and will continue to finance activities incurred by the function of it.
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>		
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.
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.

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28	<p><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 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></p>	Compliant	MACH Energy will submit this 2019 Annual Compliance Report to the Department on or before 25 February 2020, and will publish the report on MACH Energy's website.
29	<p><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></p>	Compliant	Not triggered. The Minister did not request an independent audit of compliance during the reporting period.
30	<p><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></p> <ul style="list-style-type: none"> <i>a) the date on which each plan was approved by the Minister</i> <i>b) if a plan has not been approved, the date on which it was, or is expected to be, submitted to the Minister</i> <i>c) the dates on which reports on the outcomes of reviews have been approved by the Minister</i> <i>d) 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	<p><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></p>	Compliant	The register will be submitted to the Department at the time of submission of this 2019 Annual Compliance Report.

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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>MACH Energy has not revised a Plan specified in Conditions 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 of EPBC Approval 2011/5795.</p> <p>Additionally, MACH Energy has not changed the action approved under EPBC Approval 2011/5795.</p> <p>As described in MACH Energy's response to Condition 3, MACH Energy submitted a revised version of the OMP to reflect MACH Energy Australia Pty Ltd's acquisition of the MPO and the BMA properties from Rio Tinto's Coal & Allied. The revised OMP also included some minor revisions to reflect the outcomes from the May 2019 Offset Advisory Committee meeting. The revised OMP was submitted to the Department on 9 September 2019.</p> <p>MACH Energy provided the Department with an electronic version of the revised OMP, and with it an explanation of the minor and administrative nature of the changes made to the OMP. The revisions to the OMP were not relevant to, and do not change, the Approved Action under EPBC Act 2011/5795.</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	
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	
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	

EPBC Approval 2011/5795 Conditions		Status	MACH Energy Comment
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 OMP 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 during the reporting period 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 the management plans required by this approval, and make them available upon request to the department. Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the 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 OMP is available on the MACH Energy website http://machenergyaustralia.com.au/ . Once the Mine Site Rehabilitation Plan and revised OMP incorporating the Re-establishment Plan are approved by the Department, MACH Energy will, within 1 month of approval, make the approved plans available on the MACH Energy website.

1 Based on MPO site disturbance from aerial imagery dated 22 January 2020 and vegetation mapping prepared by Hunter Eco (2018) and Cumberland Ecology (2011). Although site disturbance as at 22 January 2020 is marginally outside of the end of the 2019 reporting period (i.e. 25 November 2019), any change in disturbance between 25 November 2019 and 22 January 2020 was marginal, if any at all.

ATTACHMENT A

SUMMARY OF IMPLEMENTATION OF OFFSET MANAGEMENT PLAN CONSERVATION MANAGEMENT STRATEGIES

Attachment A

Summary of Implementation of Offset Management Plan Conservation Management Strategies

Offset Management Plan Conservation Management Strategy	MACH Energy Implementation during 2019 Reporting Period
<p>Weed Control</p>	<p>As expected, weed presence and abundance across the properties fluctuated seasonally, and was largely influenced by rainfall. Weed control was a key management activity undertaken by the leaseholders across the BMA properties and included control of African Boxthorn, Prickly Pear, Blackberry, Sweet Briar and St John's Wort, among other weed species. Weed control methods primarily involved herbicide control, grazing management and manual removal.</p> <p>A Sweet Briar control campaign on the St Antoine property was noted in the Agricultural Audits as successful in several areas across the property. Similarly, on the Warrawoona property, 101 hours of weed control on African Box Thorn, and a further 40 hours on Prickly Pear was undertaken by the leaseholder using herbicide controls during Quarter 2 of 2019 and was noted to be successful.</p> <p>Weed presence and control methods implemented by the BMA property leaseholders are described in the monthly Paddock Assessment reports available on the Biodiversity Offsets portal. The quarterly Agricultural Audit reports (also available on the portal) also summarise BMA property weed presence and provide recommendations for ongoing weed control activities. Pesticide Application Record are kept by MACH Energy.</p> <p>MACH Energy have been approached by the Upper Hunter Weeds Authority to participate in a trial drone weed spraying program in 2020.</p>
<p>Pest Animal Control</p>	<p>A Land Managers Pest Species Management Meeting was held on 7 February 2019 at the Hunter Local Land Services (LLS) offices which included members from numerous operations in the Hunter Valley, including from Mt Owen Glendell, Ravensworth, Mt Thorley Warkworth, Ashton Coal, Bulga Coal, Mt Pleasant Operation, Mt Arthur, Hunter Valley Operations and the Liddell and Bayswater power stations, and members from the NPWS and Hunter LLS. The purpose of this annual meeting was to plan the feral pig control programs for 2019 and improve the alignment of the wild dog baiting programs across the Central Hunter area.</p> <p>An aerial vertebrate shooting campaign was undertaken by the Hunter LLS across the Merriwa BMA properties (and other surrounding participating landholdings) during September 2019, targeting Feral Pigs, Wild Deer, Wild dogs and Foxes. This program was part of the Hunter LLS' annual Cassilis/Merriwa Aerial Shooting program. The program covered 39,723 ha of landscape across the Cassilis/Merriwa area and controlled 266 Feral Pigs, 83 Wild Deer, 15 Foxes and 1 Wild Cat.</p> <p>BMA property leaseholders also undertook regular pest control activities throughout the 2019 reporting period targeting Feral Pigs, Wild Dogs, Foxes, Rabbits, Wild Cats and Wild Goats. Various methods were employed, consistent with the methods approved under the OMP.</p> <p>Kangaroos were noted in the quarterly Agricultural Audits as occurring in high numbers across many of the BMA properties reducing pasture availability and perennial pasture establishment. A Kangaroo culling campaign was undertaken by a licence Kangaroo harvester on the Wahrane property during Q2 of 2019. MACH Energy maintain three licenced professional Kangaroo harvesters for the MPO BMA properties.</p>

Attachment A (continued)

Summary of Implementation of Offset Management Plan Conservation Management Strategies

Offset Management Plan Conservation Management Strategy	MACH Energy Implementation during 2019 Reporting Period
Strategic Grazing	<p>The quarterly Agricultural Audits facilitated strategic grazing implementation across the BMA properties throughout the 2019 reporting period. Due to the continuing dry/drought conditions, and in order to meet Offset Management Plan (OMP) objectives, partial or complete destocking of all BMA properties occurred during the 2019 reporting period, including:</p> <ul style="list-style-type: none"> • “Warrawoona” has been completely destocked since March 2019; • “Gumridge” and “Clare Park” were progressively destocked to zero head of cattle in December, 2019; • “Blackrock” was destocked by 50% by November 2019, and destocked further to zero head as at January, 2020; • “Wahrane” and “St Antoine” have destocked to a sustainable herd size but will be continually monitored. <p>Stock water availability was identified in the quarterly Agricultural Audits as an ongoing issue across the BMA properties.</p>
Sustainable Agriculture	<p>As described in Section 4.7 of the OMP, former cropping areas will be actively managed and select paddocks within the Blackrock and Gumridge properties will be converted into perennial native pastures using grazing exclusion and campaigns involving sowing of perennial native pasture seed species.</p> <p>The ‘Lorimer Cultivation Paddock’ on the Blackrock property was sown with feed oats in early 2019 to clean up the paddock, prior to sowing perennial native pasture in late April 2019, following good March rainfall. However due to no follow up rainfall and continuing drought conditions, the pasture conversion trial was deemed unsuccessful.</p> <p>Notwithstanding, a 150 ha trial area on LMU 4 paddocks on the Gumridge property commenced in April 2018 to monitor natural native pasture regeneration following the exclusion of grazing. Results of the trial to date indicate that <i>perennial pasture system has been naturally regenerating in the absence of significant management intervention, despite the drought conditions... and a significant increase in total ground cover and cover provided by desirable perennial pasture species after exclusion from grazing</i> (DnA Environmental, 2019).</p> <p>No other cropping activities on the Blackrock and Gumridge BMA properties occurred during the reporting period.</p>
Revegetation	<p>As required by Condition 11 of EPBC Approval 2011/5795, a Re-establishment Plan was submitted the Department on 25 November 2019. The Re-establishment Plan aims to increase the extent and condition of the ecological communities of the BMAs by implementing various techniques including Assisted Natural Regeneration, Planting and Seed Collection and Regrowth Management.</p> <p>To encourage Assisted Natural Regeneration, strategic grazing is used. As described above, all BMA properties were either partially or completely destocked during the reporting period to meet OMP objectives.</p> <p>As described in Section 1.3 of the Re-establishment Plan, revegetation activities within the designated Revegetation Areas of the BMAs has been delayed due to the ongoing unsuitable conditions (i.e. prevailing drought conditions) for planting and seeding, and to avoid large-scale vegetation (and capital expenditure) loss.</p> <p>MACH Energy will continue to monitor conditions suitable for implementation of revegetation activities within BMAs.</p>

Offset Management Plan Conservation Management Strategy	MACH Energy Implementation during 2019 Reporting Period
Infrastructure Improvement	<p>Two existing bores on the Blackrock property were converted from electrical power supply to solar power supply during the reporting period, to facilitate continuity of supply for stock. This will be an ongoing process throughout the 2020 reporting period at the Blackrock and St Antoine properties.</p> <p>Various new tanks, water troughs and water lines have been installed on the Wahrane, St Antoine and Blackrock properties to improve water availability for stock. Two new bores and associated infrastructure will be installed in 2020 (subject to approval), One on the Warrawoona property, and one on the St Antoine property.</p> <p>MACH Energy's fencing program between select BMA properties and adjoining neighbour properties continued during the reporting period. Approximately 11.6 km of fencing was completed, including 3.4 km between the St Antoine BMA property and the neighbouring Kuloo property; 2 km between the Gumridge BMA property and the neighbouring Barree property; 1 km between the Gumridge BMA property and the neighbouring Tarbundy property; 2.4 km between the Blackrock BMA property and the neighbouring Hampshire property; and 2.8 km between the St Antoine BMA property and the neighbouring Dalkeith property. 2 km of internal fencing was also completed within the Burnbrae and Wahrane properties. MACH Energy has also committed to completely 2 km of fencing per year between the Blackrock BMA property and the neighbouring Pitlochry property which will commence in February, 2020.</p> <p>The design of all fencing installed was consistent with the requirements of the OMP, i.e.:</p> <p><i>Constructed fences will be stockproof and native fauna friendly (no barb wire is to be used for the top two wire strands). This excludes boundaries between Offset areas and third parties. Five stranded barbed wire fencing is permitted where new fencing is installed at the boundary between offset areas and adjoining land).</i></p>
Fire Management	<p>The MPO Offsets Bushfire Management Plan was updated during the reporting period to include contemporary BMA property leaseholder contact details and updated contact details for the Liverpool Range Rural Fire Service (RFS).</p> <p>Maintenance works of fire trials within the BMA properties commenced in October 2019 in collaboration with the Liverpool Range RFS.</p> <p>No fire incidents occurred on the BMA properties during the reporting period.</p> <p>No hazard reduction burns or cool burns were undertaken on the BMA properties during the reporting period.</p>
Cultural Heritage	<p>No cultural heritage sites or values were identified during the reporting period.</p>
Landscape Monitoring	<p>In accordance with the OMP Monitoring Programme Schedule (Table 18, Section 5.2 of the OMP), Landscape Monitoring including aerial photo analysis and Rapid Condition Assessments, are due to be undertaken in November and September-November 2020, respectively, during the next reporting period.</p>
Ecological Monitoring	<p>In accordance with the OMP Monitoring Programme Schedule (Table 18, Section 5.2 of the OMP), Ecological Monitoring of Box Gum Grassy Woodland areas of the BMA properties was undertaken by Australian Museum Business Services in November 2019. Reporting, detailing the result of the monitoring, is due to be provided to MACH Energy in March 2020.</p>