




# MOOLARBEN COAL PROJECT COMPLIANCE REPORT EPBC 2013/6926

<b>Project Name</b>	Moolarben Coal Project (Stage 1)
<b>Approval Holder</b>	Moolarben Coal Operations Pty Ltd
<b>ACN</b>	077 939 569
<b>EPBC Reference</b>	2013/3926
<b>Approved Action</b>	To modify and extend the Moolarben Coal Project (Stage 1), approximately 40km north east of Mudgee, NSW.
<b>Reporting Period</b>	23 December 2014 to 31 December 2015
<b>Version</b>	1 – Issued to Department of Environment
<b>Declaration of Accuracy</b> In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.	
<b>Signature of authorised reporting officer</b>	
<b>Name of authorised reporting officer</b>	Graham Chase
<b>Title of authorised reporting officer</b>	Environment and Community Manager
<b>Date</b>	22 March 2016
<b>Organisation Name</b>	Moolarben Coal Operations Pty Ltd
<b>Organisation ACN</b>	077 939 569

## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>2</b>
<b>2.0</b>	<b>DESCRIPTION OF ACTIVITIES.....</b>	<b>2</b>
<b>3.0</b>	<b>COMPLIANCE TABLE .....</b>	<b>4</b>

### LIST OF FIGURES

Figure 1: EPBC 2013/6926 – Regional Location of Biodiversity Offset Areas

### LIST OF APPENDICES

Appendix A: Moolarben Coal Annual Summaries –Mod 9 BOA Flora and Fauna Monitoring Extract.)

## 1.0 INTRODUCTION

The Moolarben Coal Complex is located in the Western Coalfield of New South Wales (NSW) approximately 40 kilometres (km) north of Mudgee to the south east of Ulan (Figure 1). The Moolarben Coal Complex is located within the Mid-Western Regional Local Government Area (LGA).

Moolarben Coal Operations Pty Ltd (MCO) is the operator of the Moolarben Coal Complex on behalf of the Moolarben Joint Venture (Moolarben Coal Mines Pty Ltd [MCM], Sojitz Moolarben Resources Pty Ltd and a consortium of Korean power companies). MCO and MCM are wholly owned subsidiaries of Yancoal Australia Limited (Yancoal).

The current Stage 1 mining operations are undertaken in accordance with Approval Decision (EPBC 2007/3297) granted on 24 October 2007 (and varied by notice on 25 February 2009 and 11 May 2010) and (EPBC 2013/6926) granted on 13 November 2014 under the Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act). The current Stage 2 Mining operations are undertaken in accordance with Approval decision (EPBC 2008/4444) granted on 18 May 2015.

This report details activities and compliance with EPBC 2013/6926 for the period 23 December 2014 to 22 December 2015.

## 2.0 DESCRIPTION OF ACTIVITIES

During the reporting period the following activities have been undertaken:

- Commencement of the Action
- Land preparation and disturbance in accordance with the VCPLMP, including pre-clearance surveys, salvage of habitat features, fauna management
- Collection of locally sourced native seed
- Offset area management including access, weed and vertebrate pest management
- Monitoring in accordance with the BOMP (2013/6926)
- Progression of offsets security

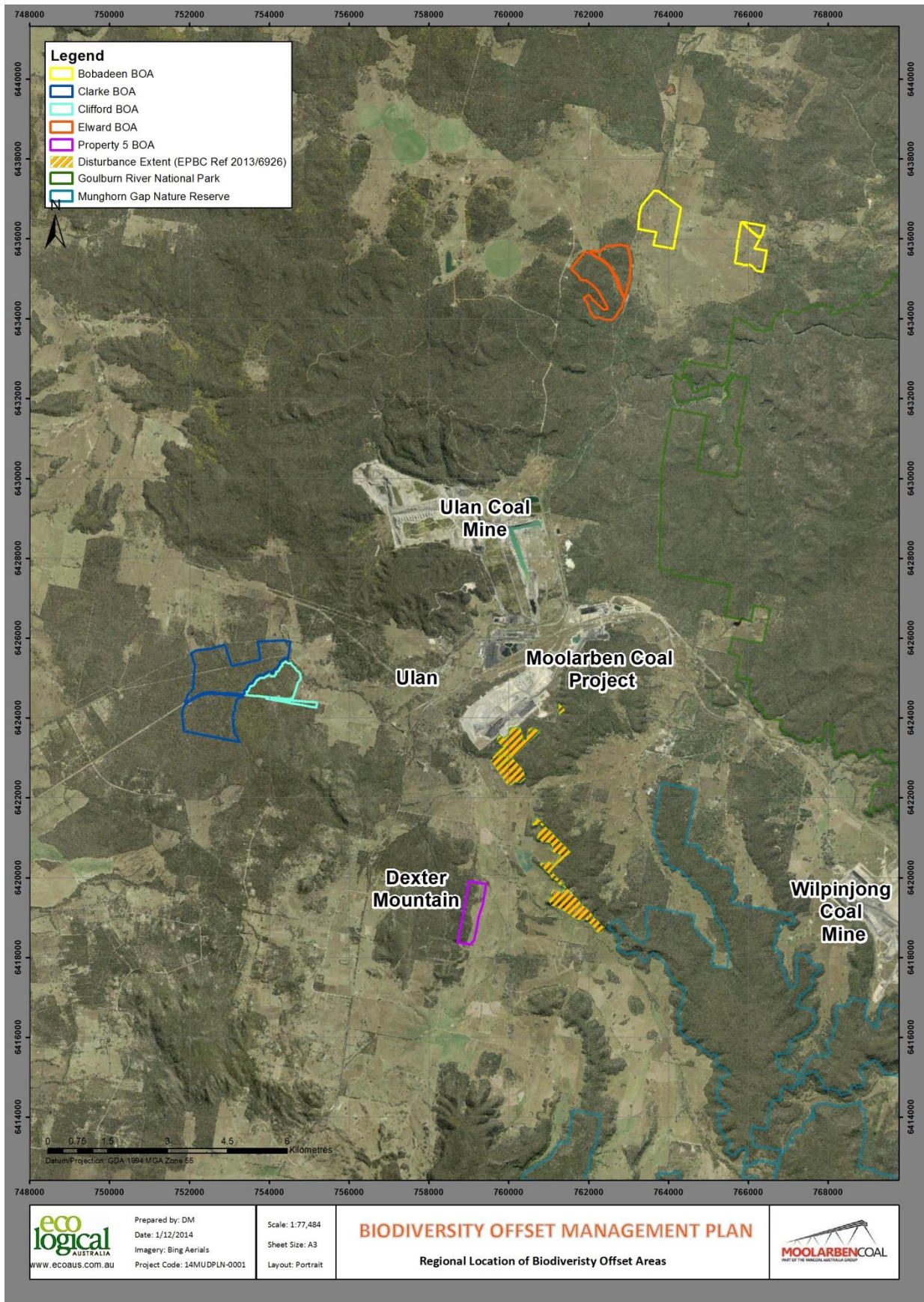


FIGURE1: EPBC 2013/6926 – Regional Location of Biodiversity Offset Areas

### 3.0 COMPLIANCE TABLE

Condition Number	Condition	Compliance <sup>1</sup>	Evidence/Comments
1	The approval holder must not clear more than 171.4 hectares of native vegetation within the defined footprint at Schedule 1, Figures 1 and 2.	Compliant	The extent of clearing to <b>31 December 2015</b> is approximately 56ha.
2	To assist in mitigating the impacts of the proposal on the Large-eared Pied Bat, Southern Long-eared Bat, Regent Honeyeater, Swift Parrot, Potted-tail Quoll and the Koala, the approval holder must prepare and submit a mine site Vegetation Clearance Protocol and Landscape Management Plan (VCPLMP) for the Minister's written approval. The VCPLMP must; <ul style="list-style-type: none"> <li>a. Delineate areas to be cleared, describe pre-clearance survey methods, specify actions to minimise fauna impacts and details vegetation clearance procedures.</li> <li>b. Require collection and stockpiling of habitat features important to threatened fauna species for reinstatement in rehabilitation areas.</li> <li>c. Require use of native, locally sourced seed for propagation for rehabilitation activities.</li> <li>d. Specify a two stage clearing protocol where non-habitat trees are cleared 24 hours prior to any habitat trees in their proximity being cleared, to encourage fauna to move out of an area.</li> <li>e. Include a revegetation strategy to improve connectivity between isolated vegetation patches (including between Munghorn Gap Nature Reserve, Goulburn River National Park and Dexter Mountain).</li> </ul>	Compliant	VCPLMP prepared and submitted to the Department of Environment with VCPLMP approval granted on <b>17 December 2014</b> . (Appendix B)
3	The approval holder must not commence until the VCPLMP is approved by the Minister. The approved VCPLMP must be implemented.	Compliant	The VCPLMP was approved on <b>17 December 2014</b> , prior to commencement on <b>23 December 2014</b> .
4	To compensate for the loss of 16.5 hectares of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (WBGW) ecological community and 171.4 hectares of habitat for EPBC listed threatened species, the approval holder must prepare and submit a Biodiversity Offset Management Plan (BOMP) for the proposed EPBC offset sites, for the Minister's written approval. The BOMP must; <ul style="list-style-type: none"> <li>a. Identify those lands described as the Offset Areas at Schedule 2 (Figures 1-5) of this notice that are necessary to achieve the outcomes required by the Environmental Offsets Policy 2012 (or subsequent published revisions). This must include offset attributes, shape files, textual descriptions and maps clearly define the location and boundaries of the offset area(s).</li> <li>b. Provide a survey and description of the current condition (prior to any management activities) of the offset areas identified in Condition 4a.</li> <li>c. Details management actions and regeneration and revegetation strategies to be undertaken on the offset areas to improve the ecological quality of these areas, including:</li> </ul>	Compliant	<b>BOMP</b> prepared and submitted to the Department of Environment with BOMP approval granted on <b>17 December 2014</b> . (Appendix B). The requirements of this conditions are addressed in the BOMP as per below: <ul style="list-style-type: none"> <li>a) Section 2 and Appendix 1</li> <li>b) Section 3</li> <li>c) Sections 4, 5, 6 &amp; 7.</li> </ul>

Condition Number	Condition	Compliance <sup>1</sup>	Evidence/Comments
	<p>(i) A description and timeframe of measures that would be implemented to improve the condition of the ecological communities on the site;</p> <p>(ii) Performance and completion criteria for evaluating the management of the offset area, and criteria triggering remedial action;</p> <p>(iii) A program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(iv) A description of potential risks to the successful implementation of the plan, a description of the measures that will be implemented to mitigate against these risks and a description of the contingency measures that will be implemented if defined triggers arise; and</p> <p>(v) Details of who would be responsible for monitoring, reviewing, and implementing the plan.</p>		
5	The approval holder must not commence the action until the BOMP is approved by the Minister. The approval BOMP must be published on an internet web site approved by the Department, within 1 month of being approved and for a period of 5 years thereafter. The approved BOMP must be implemented.	Compliant	The <b>BOMP</b> was approved on <b>17 December 2014</b> , prior to commencement on <b>23 December 2014</b> . Refer Appendix A for Monitoring Summaries.
6	<p>To compensate for the loss of 16.5 hectares of the White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (WBGW) ecological community and 171.4 hectares of habitat for EPBC listed threatened species, the approval holder must secure the lands identified as the Offset Areas at Schedule 2 (Figures 1-5) of this notice as a biodiversity offset by a legal instrument under relevant nature conservation legislation on the title of the land. This instrument must:</p> <ol style="list-style-type: none"> <li>Provide for the protection of the land in perpetuity;</li> <li>Prevent any future development activities, including mining and mineral extraction; and</li> <li>ensure the active management of the land.</li> </ol> <p>The approval holder must not commence the action until the Department has approved the proposed instrument in writing.</p>	Compliant	Proposed instrument of security approved on <b>17 December 2014</b> . The Department of Planning and Environment have endorsed the method of security and are reviewing the terms.
7	The approval holder must provide evidence to the Department of their compliance with Condition 6, along with offset attributes, shape files and textual descriptions and maps to clearly define the location and boundaries of the offset sites, prior to the commencement of the action.	Compliant	Correspondence and shape files provided <b>1 December 2014</b> .
8	Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Compliant	Department of Environment advised <b>20 January 2015</b> . (Appendix B)
9	The approval holder must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures take to implement the BOMP and VCPLMP, 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	Compliant	Noted.

Condition Number	Condition	Compliance <sup>1</sup>	Evidence/Comments
	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 be publicised through the general media.		
10	Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the BOMP and VCPLMP as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	Compliant	This report. Future reports will be prepared for calendar years in conjunction with Annual Reviews as per email correspondence 8 March 2016 (subject to approval).
11	Non-compliance with any of the conditions of this approval must be reported to the Department within 2 business days of becoming aware of the non-compliance.	Not Applicable	Noted
12	Upon the direction of the Minister, the approval holder 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 be address the criteria to the satisfaction of the Minister.	Not Applicable	Noted
13	If the approval holder wishes to carry out any activity otherwise than in accordance with the Plan as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of the Plan. The approval holder must not commence the varied activity until the Minister has approved the varied Plan in writing. The Minister will not approve a varied Plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.	Not Applicable	Noted
14	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the approval holder make specified revisions to the Plan specified in the conditions and submit the revised Plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved Plan must be implemented. Unless the Minister has approved the revised Plan then the approval holder must continue to implement the Plan originally approved.	Not Applicable	Noted
15	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Complaint	Action commenced <b>23 December 2014</b> . (Appendix B)

<sup>1</sup> Definitions:

Compliant

'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.

Non-compliant

requirements of a condition or elements of a condition, including the implementation of management plans and other measures have not been met.

Not applicable

requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.



**APPENDIX A – Moolarben Coal Annual Summaries –Mod 9 BOA Flora and Fauna Monitoring Extract.**



## Moolarben Coal Annual Review Summaries

### OC1 Rehabilitation Monitoring and Stage 1 and Mod 9 BOA Flora & Fauna Monitoring

#### 2015 Summary

Prepared for  
**Moolarben Coal Operations**



**DOCUMENT TRACKING**

ITEM	DETAIL
Project Name	MCO Annual Review Summary Report
Project Number	16MUD 3563
Project Manager	Sarah Dickson-Hoyle (02) 4302 1232 Unit 1, Level 1, 79 Market Street, Mudgee, NSW 2850
Prepared	Sarah Dickson-Hoyle
Approved	Daniel Magdi
Status	Draft
Version Number	0
Last saved on	21 March 2016

This report should be cited as 'Eco Logical Australia 2015. *Moolarben Coal Flora & Fauna Monitoring Summary for Annual Review 2015 Summary*. Prepared for Moolarben Coal Operations.'

**ACKNOWLEDGEMENTS**

This document has been prepared by Eco Logical Australia Pty Ltd with support from Moolarben Coal Operations.

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# Contents

<b>Abbreviations.....</b>	<b>iv</b>
<b>1 OC1 Rehabilitation Monitoring.....</b>	<b>5</b>
1.1 Introduction .....	5
1.2 Methods.....	5
1.3 Summary of Results and Discussion.....	5
1.3.1 <i>Ecosystem Function Analysis</i> .....	5
1.3.2 <i>Floristic Monitoring</i> .....	6
1.3.3 <i>Fauna Monitoring</i> .....	7
1.3.4 <i>Visual Monitoring</i> .....	8
1.3.5 <i>Geochemical Monitoring</i> .....	8
1.4 Recommendations.....	8
<b>2 Stage 1 Biodiversity Offset Area Monitoring .....</b>	<b>9</b>
2.1 Introduction .....	9
2.2 Methods.....	9
2.3 Summary of Results and Discussion.....	9
2.3.1 <i>Floristic Monitoring</i> .....	9
2.3.2 <i>Fauna Monitoring</i> .....	10
<b>3 Modification 9 Biodiversity Offset Area Baseline Monitoring.....</b>	<b>12</b>
3.1 Introduction .....	12
3.2 Methods.....	12
3.3 Summary of Results and Discussion.....	12
3.3.1 <i>Floristic Monitoring</i> .....	12
3.3.2 <i>Natural Regeneration Monitoring</i> .....	14
3.3.3 <i>Fauna Monitoring</i> .....	14
<b>References .....</b>	<b>17</b>

## List of Figures

Figure 1: Landscape Organisation for each LFA transect, spring 2015 (analogues: spring 2014) .....	6
Figure 2: Species Richness (autumn 2013 – spring 2015) .....	6
Figure 3: Comparison of target fauna species .....	7
Figure 4: Fauna species richness per monitoring site, spring 2015.....	10
Figure 5: Fauna species richness per monitoring site, spring 2015.....	14

## List of Tables

Table 1: Threatened fauna recorded during spring 2015.....	11
Table 2: BioMetric baseline monitoring results, spring 2015 .....	13
Table 3: Threatened fauna recorded during spring 2015.....	15

# Abbreviations

Abbreviation	Description
BMP	Biodiversity Management Plan
EC	Electrical Conductivity
EFA	Ecosystem Function Analysis
ELA	Eco Logical Australia
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
Fa	Stage 1 BOA Fauna site
LFA	Landscape Function Analysis
LMP	Landscape Management Plan
MCM	Moolarben Coal Mine
MCO	Moolarben Coal Operations
Mod9_Fa	Modification 9 BOA Fauna site
Mod9_Fl	Modification 9 BOA Flora site
PCQ	Point Centered Quarter
TSC Act	NSW <i>Threatened Species Conservation Act 1995</i>

## 3 Modification 9 Biodiversity Offset Area Baseline Monitoring

### 3.1 INTRODUCTION

Eco Logical Australia (ELA) was engaged by Moolarben Coal Operations (MCO) to undertake baseline flora and fauna monitoring during spring 2015 within the MCO Modification 9 BOAs (excluding Moolarmoo and Property 24 & 25) as detailed within the MCO Biodiversity Offset Management Plan – EPBC 2013/6926 (BOMP) (MCO 2015).

### 3.2 METHODS

Monitoring sites were established across remnant vegetation (Management Zone 1 (MZ1)) and revegetation/regeneration areas (Management Zone 2 (MZ2)). Spring 2015 monitoring included:

- Vegetation validation
- Full floristic survey (28 sites)
- Fauna surveys (18 sites)
- Natural regeneration monitoring

Detailed descriptions of these methodologies can be found in ELA (2016b).

### 3.3 SUMMARY OF RESULTS AND DISCUSSION

#### 3.3.1 Floristic Monitoring

A total of 316 species (222 native species, 83 exotic species, and 11 species unable to be identified as native or exotic) were recorded across all floristic monitoring sites during spring 2015 monitoring.

Within individual sites, native species richness ranged between 10 (Mod9\_FI2) and 54 (Mod9\_FI28). Average native species richness in MZ1 (remnant) sites was 34, contrasting with an average of 22 native species per site across MZ2 (DNG/regeneration). Exotic species, where present, were only found in the ground layer. Exotic ground cover was less than 5% in all MZ1 sites, and ranged from zero to 84% across MZ2 sites (average exotic ground cover in MZ2 of 44%). The most common exotic species were the annual *Carthamus lanatus* (Spear Thistle), and perennial herbs and grasses including *Hypochaeris radicata* (Catsear), *Trifolium* spp. (Clovers) and *Lolium perenne* (Perennial Ryegrass).

Biometric monitoring results for each plot, including native species diversity (richness; NSD), native tree cover (NTC), native mid-storey cover (NMC), native ground cover (NGC), exotic cover, number of hollow-bearing trees (HBTs), length of fallen logs, and presence of native canopy species regeneration (regen), are presented in **Table 2** below.

Table 2: BioMetric baseline monitoring results, spring 2015

Assigned BioMetric Vegetation Type (BVT)	Site no.	MZ	NSD	NTC (%)	NMC (%)	NGC (out of 300%)	Exotic cover (%)	# HBTs	Logs (m)	Regen Y/N
HU515 Blakely's Red Gum – Yellow Box Grassy Open Forest	Mod9_FI3	MZ2	21	0	0	46	38	0	0	N
	Mod9_FI12	MZ1	31	12	0	76	4	2	85	Y
	Mod9_FI15	MZ2	32	0	0	86	22	0	0	N
	Mod9_FI16	MZ2	27	6	50	46	30	0	0	Y
	Mod9_FI23	MZ2	29	28	0	30	0	0	8	N
	Mod9_FI24	MZ1	23	12	1	44	0	0	8	N
	Mod9_FI27	MZ2	13	0	0	10	84	0	0	N
HU537 Dwyer's Red Gum Low Woodland	Mod9_FI10	MZ1	35	14	16	10	0	2	56	Y
	Mod9_FI19	MZ1	34	20	0	22	0	0	27	N
HU551 Grey Box – Narrow-leaved Ironbark Shrubby Woodland	Mod9_FI5	MZ2	24	0	0	44	66	0	0	N
	Mod9_FI14	MZ2	21	0	0	58	4	0	0	N
	Mod9_FI18	MZ1	20	10	5	16	0	0	35	N
HU552 Grey Gum – Narrow-leaved Stringybark – Ironbark Woodland	Mod9_FI13	MZ1	29	28	0	6	0	2	121	N
HU574 Narrow-leaved Ironbark – Grey Gum Shrubby Woodland	Mod9_FI25	MZ1	31	13	11	24	0	2	0	N
HU575 Narrow-leaved Ironbark Shrubby Open Forest	Mod9_FI9	MZ2	15	0	1	52	46	0	0	N
	Mod9_FI17	MZ1	43	24	1	44	0	0	27.5	Y
	Mod9_FI21	MZ1	28	9	4	90	0	0	1	Y
	Mod9_FI22	MZ1	33	15	1	30	0	0	11	Y
	Mod9_FI26	MZ2	22	0	0	26	64	0	8	N
HU603 Rough-barked Apple – Silvertop Stringybark – Red Stringybark Grassy Open Forest	Mod9_FI1	MZ1	46	13	0	62	0	0	70	Y
	Mod9_FI28	MZ1	54	24	1	92	4	0	173	Y
HU608 Scribbly Gum – Brown Bloodwood Woodland	Mod9_FI20	MZ1	22	18	2	32	0	1	45	N
HU647 Tea-tree Shrubland of Drainage Areas	Mod9_FI11	MZ1	50	5	12	54	4	0	11	Y
	Mod9_FI2	MZ2	10	0	0	68	32	0	0	N
	Mod9_FI4	MZ2	17	0	0	68	38	0	0	N



Assigned BioMetric Vegetation Type (BVT)	Site no.	MZ	NSD	NTC (%)	NMC (%)	NGC (out of 300%)	Exotic cover (%)	# HBTs	Logs (m)	Regen Y/N
HU654 White Box – Yellow Box Grassy Woodland	Mod9_FI6	MZ2	27	0	0	76	62	1	26	N
	Mod9_FI7	MZ2	23	2	0	36	72	0	24	Y
	Mod9_FI8	MZ2	19	0	0	34	64	0	0	N

### 3.3.2 Natural Regeneration Monitoring

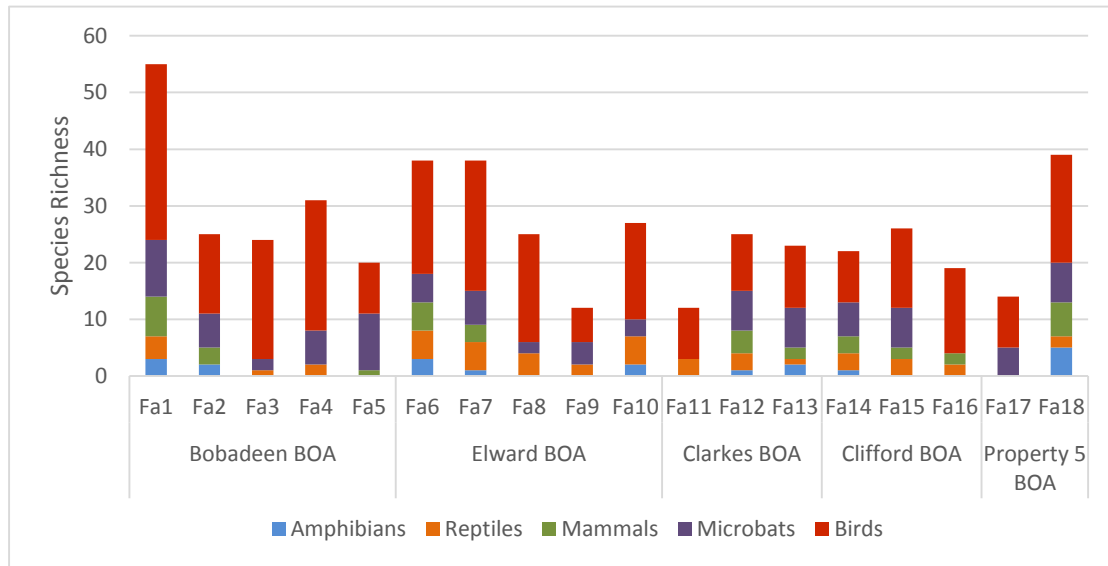
Natural regeneration of target canopy species was recorded in varying densities across all surveyed BOAs. In Bobadeen BOAs, regeneration of Blakely’s Red Gum and White Box was recorded, however this was largely concentrated towards the boundaries of the BOA, moving out from adjacent woodland (seed source).

This pattern of regeneration was particularly apparent in Elward BOA, where regeneration of species including Blakely’s Red Gum were almost entirely concentrated at the boundary between DNG and remnant woodland.

Regeneration of Rough-barked Apple, Blakely’s Red Gum and Yellow Box was recorded along the length of the surveyed transects in Clarkes BOA.

### 3.3.3 Fauna Monitoring

Fauna species richness recorded at each site in spring 2015 is presented in **Figure 5**. Birds formed the dominant component of species richness, and were the most abundant fauna, at each site. Total fauna species richness ranged from 12 species (site Fa11) to 55 species (site Fa1), however it should be noted that Anabat echolocation recording malfunctioned at site Fa11 and as such species richness does not include microbats at this site.



**Figure 5: Fauna species richness per monitoring site, spring 2015**

A total of 18 threatened fauna species, consisting of 12 threatened birds, one threatened mammal (non-bat) and five threatened microbat species listed under the NSW TSC Act and/or the Commonwealth EPBC Act were identified within the BOAs during the 2015 spring survey

period. Additionally, one migratory bird listed under the EPBC Act were observed within the BOAs (Table 3).

**Table 3: Threatened fauna recorded during spring 2015**

Scientific Name	Common Name	TSC Act	EPBC Act	Location
<b>Birds</b>				
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	V	-	Opportunistically BOA Bobadeen
<i>Climacteris picumnus victoriae</i>	Brown Treecreeper (eastern subspecies)	V	-	Fa7d and Opportunistically
<i>Merops ornatus</i>	Rainbow Bee-eater	-	M	Fa11, Fa14
<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	-	Fa7, Fa8
<i>Glossopsitta pusilla</i>	Little Lorikeet	V	-	Opportunistically BOA Bobadeen
<i>Grantiella picta</i>	Painted Honeyeater	V	-	Fa3
<i>Hieraetus morphnoides</i>	Little Eagle	V	-	Fa10
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	-	M	Fa3
<i>Melanodryas cucullata cucullata</i>	Hooded Robin (south-eastern form)	V	-	Fa3
<i>Ninox strenua</i>	Powerful Owl	V	-	Fa15
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler (eastern subspecies)	V	-	Fa3
<i>Pyrrholaemus sagittatus</i>	Speckled Warbler	V	-	Fa1 and Fa8
<i>Stagonopleura guttata</i>	Diamond Firetail	V	-	Fa3
<b>Mammals</b>				
<i>Pseudomys novaehollandiae</i>	New Holland Mouse	-	V	Fa6
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	Fa1, Fa2, Fa4, Fa5, Fa9 and Fa15
<i>Miniopterus australis</i>	Little Bentwing-bat	V	-	Possibly recorded at Fa5
<i>Miniopterus orianae oceanensis</i>	Eastern Bentwing-bat	V	-	Fa1, Fa5, Fa12, Fa13, Fa17 and Fa18
<i>Nyctophilus spp.</i>	Long-eared Bats	V	-	Fa1, Fa2, Fa5, Fa6, Fa7, Fa12, Fa13, Fa14, Fa15, Fa17 and Fa18
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tailed Bat	V	-	Fa1

Five introduced fauna species were recorded during monitoring including three declared vertebrate pests. These species were not recorded in a high abundance, though ongoing

monitoring is recommended to gain further understanding regarding their distribution and abundance and to determine management actions.

# References

Eco Logical Australia (2010). *Moolarben Coal flora and fauna monitoring – spring 2010*. Unpublished report prepared for Moolarben Coal Operations.

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Eco Logical Australia (2012c) *Moolarben Coal flora and fauna monitoring – winter 2012*. Unpublished report prepared for Moolarben Coal Operations.

Eco Logical Australia (2013) *Moolarben Coal flora and fauna monitoring – spring 2012*. Unpublished report prepared for Moolarben Coal Operations.

Eco Logical Australia (2014) *Moolarben Coal Operations Biodiversity Offset Area Flora and Fauna Monitoring - 2015*. Unpublished report prepared for Moolarben Coal Operations.

Eco Logical Australia (2016a) *Moolarben Coal Operations Open Cut 1 Rehabilitation Monitoring – 2015*. Unpublished report prepared for Moolarben Coal Operations.

Eco Logical Australia (2016b) *Moolarben Coal Operations Biodiversity Offset Area Flora and Fauna Monitoring - 2015*. Unpublished report prepared for Moolarben Coal Operations.

Moolarben Coal Operations (MCO) (2013). *Landscape Management Plan, Version 2*

Moolarben Coal Operations (MCO) (2015). *Biodiversity Offset Management Plan Moolarben Coal Project Stage 1 modification (EPBC 2013/6926)*.

The logo for 'eco logical AUSTRALIA' is positioned in the top-left corner of the dark green section. 'eco' is in a smaller, lowercase serif font above 'logical', which is in a larger, lowercase serif font. 'AUSTRALIA' is in a smaller, uppercase sans-serif font below 'logical'.

eco  
logical  
AUSTRALIA



**APPENDIX B – EPBC 2013/6926 Correspondence**



Mark Jacobs  
General Manager, Environment, Approvals and Community Relations  
Moolarben Coal  
Locked Bag 2003  
MUDGEES NSW 2850

Dear Mr Jacobs

**Moolarben Coal Project Stage 1 Modification (EPBC 2013/6926) –  
Biodiversity Offset Management Plan  
Vegetation Clearance Protocol and Landscape Management Plan and  
Proposed Instrument to Secure the Offset Areas**

I refer to your correspondence of 25 November and 3 December 2014 requesting approval of the above plans and protocol as required under conditions 2 and 4 of EPBC Approval 2013/6926.

The above plans have been reviewed by officers of the Department and have been found to meet the requirements of conditions 2 and 4 of EPBC Approval 2013/6926. On this basis, and as delegate of the Minister, I have decided to approve the above plans. In doing so I draw your attention to the requirements of condition 9 of this approval to maintain accurate records substantiating all activities associated with these conditions including measures taken to implement the above plans.

In accordance with condition 5 of EPBC approval 2013/6926, the Biodiversity Offset Management Plan must be published on your website within one month of this approval and remain published there for at least five years thereafter.

In accordance with conditions 3 and 5 of EPBC approval 2013/6926, the approved plans must be implemented. Under conditions 13, if Moolarben Coal wants to act other than in accordance with the approved plan, Moolarben Coal must submit a revised plan for approval. Until the Minister (or his delegate) has approved a revised plan, Moolarben Coal must continue to implement the original plan.

I am informed that you have also submitted to the Department shapefiles which define the boundaries of the proposed offset sites and a file containing the offset attributes, in accordance with the requirements of conditions 6 and 7 of EPBC approval 2013/6926.

I also refer to your letter of 26 November 2014 in which you advise that Moolarben Coal proposes to use a conservation covenant and restriction of use instrument to be registered on the title of the land as the instrument by which the Moolarben Coal Project Stage 1 Modification Biodiversity Offsets are to be protected. I have approved this as the instrument required under condition 6 of EPBC approval 2013/6926.

Should you require any further information please contact Mr Rod Whyte, Director,  
Post Approvals Section, on 02 6275 9934 or by email: [rod.whyte@environment.gov.au](mailto:rod.whyte@environment.gov.au).

Yours sincerely



Shane Gaddes  
Assistant Secretary  
Compliance and Enforcement Branch

17 December 2014



20 January 2015

Post Approvals Section  
Commonwealth Department of the Environment  
GPO Box 787  
CANBERRA ACT 2601

Attention: Peter Blackwell (via email)

Dear Peter,

**MOOLARBEN COAL PROJECT STAGE 1 MODIFICATION (EPBC 2013/6926)**

- **COMMENCEMENT OF ACTION**
- **CONFIRMATION OF WEBSITE ACCESS TO THE APPROVED BIODIVERSITY OFFSET MANAGEMENT PLAN**

In accordance with Condition 8 of EPBC Approval 2013/6926, we confirm that the approved action under EPBC 2013/6926 was commenced on 23 December 2014.

In satisfaction of Condition 5 of EPBC Approval 2013/6926:

- The Biodiversity Offset Management Plan (BOMP) was approved by the Minister on 17 December 2014;
- The approved BOMP was published on the Moolarben Coal website on 23 December 2014; and
- By letter from the Department of the Environment dated 17 December 2014, Moolarben's website was confirmed as an approved website.

Yours sincerely,



Mark Jacobs  
General Manager, Environment & Community