

Duralie Coal Extension Project (EPBC 2010/5396)



Annual Compliance Report 2021

Commencement of the action 14 January 2011
Annual Reporting Period 14 January 2020 – 14 January 2021
*In accordance with Condition 20 of Commonwealth Approval EPBC 2010/5396
for the Duralie Coal Extension Project*

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Condition	Compliance Details
Footprint	
<p>1. The person taking the action must ensure that no more than</p> <p>a) 209 hectares is disturbed as a result of surface development within the Duralie Coal Extension Project area; and separately,</p> <p>b) 140 hectares is subject to excess mine water irrigation activities within the Duralie Coal Extension Project area.</p> <p>Note: the areas set out in Condition 1 a) and b) are separate limits, and apply respectively to disturbance arising from mining-related development and irrigation activities. The maximum allowable area to be impacted by surface development and irrigation activities (combined) is 349 hectares.</p>	<ul style="list-style-type: none"> • There was no change to the surface development area during the current reporting period. • As at January 2021, the total surface development within the Duralie Coal Extension Project (DEP) area was approximately 145 hectares. This does not include the area disturbed under the original Duralie Project, which does not form part of the approved action. • No irrigation activities within the DEP area have been commenced to date or are proposed to commence.
<p>2. Exploration drilling activities as described in the Referral received on the 11 March 2010 must not occur within areas of known or potential Giant Barred Frog habitat, or within 60m of the Mammy Johnsons River (MJR), unless otherwise approved in writing by the Department.</p>	<ul style="list-style-type: none"> • No exploration activities were undertaken by Duralie Coal Pty Ltd (DCPL) within the DEP area for the reporting period 14 January 2020 to 14 January 2021. • To date, no exploration drilling activities as described in the Referral received by the Department of the Environment and Energy (DoEE), (formerly the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC)), on the 11 March 2010, have occurred within areas of known or potential Giant Barred Frog habitat, or within 60 metres (m) of the MJR.
Water Management	
<p>3. The person undertaking the action must ensure that all irrigation and run-off from the Project Area is managed in accordance with the <i>Duralie Coal Mine Irrigation Management Plan</i> (DCPL, 2008) as set out in Referral received on the 11 March 2010 (or as per any amendments approved by this Department, in consultation with the NSW Department of Planning, the NSW Department of Environment and Climate Change and Water and NSW Office of Water), and not otherwise discharged into the MJR.</p>	<ul style="list-style-type: none"> • Irrigation and runoff from the DEP is managed in accordance with the approved Duralie Coal Mine Water Management Plan (WAMP), inclusive of the Irrigation Management Plan (as approved by NSW Department of Planning & Environment (DP&E), 5 September 2017). • No irrigation activities within the DEP area have been commenced to date or are proposed to commence.

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<p>4. The release of water into the MJR catchment must only occur when Electrical Conductivity levels do not exceed 400 micro Siemens per centimetre ($\mu\text{S}/\text{cm}$) in the MJR at the "High Noon" monitoring site and 1,326 $\mu\text{S}/\text{cm}$ in the Main Water Dam diversion drain sumps; or alternative thresholds as may be advised in writing by the Department.</p>	<ul style="list-style-type: none"> The approved WAMP includes a "first flush protocol" which specifies that release of water into the MJR catchment will only occur when Electrical Conductivity levels do not exceed (less than) 400 $\mu\text{S}/\text{cm}$ in the MJR at the "High Noon" monitoring site and 1,326 $\mu\text{S}/\text{cm}$ in the Main Water Dam diversion drain sumps. Duralie Coal Pty Ltd (DCPL) has complied with the above requirement for the reporting period. The "first flush system" monitoring results are reported in the EPL 11701 monitoring data available on the Duralie Coal website at www.duraliecoal.com.au.
<p>5. In the event that the results of Giant Barred Frog monitoring required under Condition 8 identify a decline of 20% or more (in comparison with the highest average results obtained from September to April 2010-11 surveys and then subsequently in combination with 2011-2012 surveys) in the Giant Barred Frog population, the proponent may only release water into the MJR catchment when Electrical Conductivity levels are less than 400 $\mu\text{S}/\text{cm}$ in Mammy Johnsons River (as measured at the High Noon monitoring site) and less than 810 $\mu\text{S}/\text{cm}$ in Coal Shaft Creek (as measured at Coal Shaft Creek monitoring site SW2(RC)), until otherwise advised by the Department.</p> <p>Note: For clarity regarding Condition 5, the mine water to be released during this time must not exceed 810 $\mu\text{S}/\text{cm}$, as measured at monitoring site point SW2 (RC).</p>	<ul style="list-style-type: none"> Condition not triggered. No irrigation activities within the DEP area have been commenced to date, hence monitoring undertaken to date established baseline conditions for the Giant Barred Frog. Comprehensive surveys for the Giant Barred Frog have been conducted as part of the Giant Barred Frog monitoring program at the DCM and surrounds. Baseline frog surveys were undertaken to investigate the local population of the Giant Barred Frog in the MJR catchment from January to March 2011. The results of the baseline surveys were documented in the Giant Barred Frog Management Plan (GBFMP) required under Condition 8 that was subsequently approved by SEWPaC on 15 August 2012. The Giant Barred Frog monitoring surveys were repeated in 2011/12, 2012/13, 2013/14 and 2014/15. The corresponding <i>Giant Barred Frog (Mixophyes iteratus) Monitoring Reports</i> have been provided to DoEE each year. Runoff from the DEP area has been managed in accordance with the approved WAMP (including the Surface Water Management Plan [including the Irrigation Management Plan]) approved by DP&E on 5 September 2017.

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Condition	Compliance Details
Giant Barred Frog Surveys and Management	
6. By the end of April 2011 and prior to undertaking Irrigation Activities, the person undertaking the action must conduct baseline frog surveys in order to investigate the local population of the Giant Barred Frog in the MJR. The surveys must:	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i> (previously provided). Condition completed.
a) be undertaken by a qualified ecologist approved in writing by the Department;	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed. Surveys have been undertaken and coordinated by Dr Arthur White, a qualified ecologist as approved in writing by DoEE (formerly SEWPaC) in correspondence dated 13 January 2011.
b) be conducted in accordance with DSEWPaC Survey guidelines for Australia's threatened frogs (http://www.environment.gov.au/epbc/publications/pubs/survey-guidelines-frogs.rtf) and/or DECCW survey guidelines (DECC 2009, Threatened Species Survey and Assessment Guidelines: Field Survey Methods for Fauna - Amphibians);	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
c) be undertaken during the known breeding season (September to March);	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
d) assess the condition of identified and potential Giant Barred Frog habitat on the MJR and control sites, including the riparian ecosystem condition, stream characteristics (pool, riffles) and water quality 500m upstream and downstream of the confluence of MJR and Coal Shaft Creek;	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
e) provide analysis of the frog populations including tadpoles and any observations of amplexus/oviposition/egg masses; and,	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
f) determine the presence of chytrid fungus within the MJR. This may include locations at sites below the confluence of the MJR and Coal Shaft Creek, and at other sites accessed for Duralie Coal Ply Ltd activities situated on the MJR above the confluence of Coal Shaft Creek, such as water quality monitoring locations.	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
7. The surveys undertaken for Condition 6 must be repeated one year later between September 2011 and April 2012.	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.

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<p>8. In order to protect the Giant Barred Frog from impacts associated with the project, the person undertaking the action must within 3 months of the commencement of the Irrigation Activities, submit a Giant Barred Frog Management Plan. This plan must include:</p>	<ul style="list-style-type: none"> No irrigation activities within the DEP area have been commenced to date. Notwithstanding, the GBFMP was submitted to DoEE and was subsequently approved on 15 August 2012 and is available on the Duralie Coal website at www.duraliecoal.com.au.
<p>a) results of completed baseline surveys;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>b) description of the measures undertaken to control and prevent the spread of the amphibian chytrid fungus as a result of activities associated with the project;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>c) a mark-recapture monitoring program to measure and detect changes to Giant Barred Frog populations over the life of the mine. The monitoring methodology must have the ability to detect up to at least a 20% decline in the frog population;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>d) management measures to mitigate and avoid adverse impacts to the Giant Barred Frog, including the management and reduction of identified threats to the species (such as feral animals), measures to monitor and manage relevant water quality parameters including pH, heavy metals and aromatic hydrocarbons, and measures to address and respond to the risk of overflow from mine water voids and seepage of potentially contaminated groundwater;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>e) analysis of all aquatic invertebrate monitoring data using the Australian Rivers Assessment System (AusRivAS), and integration of AusRivAS modelling results into monitoring and management activities for the Giant Barred Frog, and for water quality, where relevant; and</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>f) a Giant Barred Frog contingency plan that would be implemented if monitoring indicates a decline of 20% or more (in comparison with the results of surveys conducted in 2009 and surveys required under Condition 6 and 7) in the frog population within 500m of the project area. This should include, for example, a revision of first flush salinity trigger levels or the implementation of additional or alternative water quality controls.</p> <p>Note: to avoid doubt, this contingency plan is in addition to the requirement at Condition 5 regarding the reduction of salinity trigger levels for released water in the event of an identified frog population decline of 20% or more.</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed. No irrigation activities within the DEP area have been commenced to date.

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<p>9. The approved Giant Barred Frog management plan must be implemented. Any changes to the Giant Barred Frog management plan must be approved by the Minister and approved variations to the Plan must be implemented. The approved plan must be made publicly available on the internet by the person undertaking the action.</p>	<ul style="list-style-type: none"> The GBFMP was originally approved by DoEE on 15 August 2012. The GBFMP was revised during the 2015 reporting period and approved by DP&E on 17 December 2015 and by DoEE on 4 January 2016. The GBFMP was revised during the 2017 reporting period at the request of DP&E and subsequently approved on 5 September 2017 (DCPL GBFMP, 2017). The revisions predominantly related to bushfire management and weeds management measures. The approved GBFMP continues to be implemented. The approved GBFMP is available on the Duralie Coal website at www.duraliecoal.com.au.
<p>10. The person undertaking the action must provide a report on the implementation of the Giant Barred Frog management plan annually for the first 5 years and then every 5 years thereafter.</p> <p>Note: The management plan should include sufficient detail to inform field development decisions and ongoing management, to minimise adverse impacts on the Giant Barred Frog through the life of the project.</p>	<ul style="list-style-type: none"> Annual reports on the implementation of the GBFMP including the <i>Giant Barred Frog (Mixophyes iteratus) Monitoring Results Reports</i> were provided to DoEE for 5 years from 2012. The most recent report (<i>Implementation of the Giant Barred Frog Management Plan Annual Report 2016</i>) was provided to DoEE on 3 August 2016. The 2016 GBFMP annual report constituted the fifth annual report required by Condition 10. The next reports would be provided every 5 years until completion. No monitoring was undertaken during 2020/21 in accordance with the GBFMP as irrigation has not commenced within the DEP area. No further monitoring reports are required.
Mitigation Measures	
<p>11. In order to minimise the impacts of the project on listed threatened species, the person taking the action must implement all measures in the following plans/documents or their subsequent revisions as approved by the Minister:</p>	<p>DCPL continues to implement the measures described in the approved Duralie Coal Mine environmental management plans and subsequent revisions as outlined below.</p>
<p>a) The DCM Vegetation Clearance Protocol (DCPL, 2002);</p>	<ul style="list-style-type: none"> The Duralie Coal Mine Vegetation Clearance Protocol (DCPL, 2002) was revised and superseded by the Duralie Coal Mine Biodiversity Management Plan (BMP), approved by DP&E on 27 September 2013. The BMP was revised and approved by DP&E on 29 January 2019 and by DoEE on 27 November 2018. The key changes to the BMP included relevant updates to the performance and completion criteria tables with consideration to the works which have been completed to date. The approved BMP continues to be implemented (refer Condition 15 compliance details).

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<p>b) The DCM Irrigation Management Plan (DCPL, 2008);</p>	<ul style="list-style-type: none"> The Duralie Coal Mine Irrigation Management Plan (DCPL, 2008a) was revised and superseded by the WAMP (including the Site Water Balance, Surface Water Management Plan [including the Irrigation Management Plan] and the Groundwater Management Plan). The WAMP was approved by DP&E on 27 September 2013. The WAMP was revised during the 2017 reporting period and has been approved by DP&E on 5 September 2017. The changes to the WAMP related to ecotoxicity monitoring and did not result in changes to water management at the DCM. The WAMP continues to be implemented and is available on the Duralie Coal website.
<p>c) The DCM Site Water Management Plan (DCPL, 2008); and,</p>	<ul style="list-style-type: none"> The Duralie Coal Mine Site Water Management Plan (DCPL, 2008b) was revised and superseded by the WAMP (including the Site Water Balance, Surface Water Management Plan [including the Irrigation Management Plan] and the Groundwater Management Plan). The WAMP was approved by DP&E on 27 September 2013. The WAMP was revised during the 2017 reporting period and has been approved by DP&E on 5 September 2017. The changes to the WAMP related to ecotoxicity monitoring and did not result in changes to water management at the DCM. The WAMP continues to be implemented and is available on the Duralie Coal website.
<p>d) The DCM Rehabilitation Management Plan (DCPL, 2007).</p>	<ul style="list-style-type: none"> The Duralie Coal Mine Rehabilitation Management Plan (DCPL, 2007) was revised and superseded by the Duralie Coal Mine Rehabilitation Management Plan (RMP) (DCPL, 2012) approved by DoEE (formerly SEWP&C) on 15 August 2012. The RMP was revised during the 2017 reporting period to merge with the Mining Operations Plan (MOP) and was approved by the NSW Division of Resources and Geosciences (DRG) on 11 December 2017. During the reporting period the MOP/RMP was revised. Approval by the NSW Division of Resources and Geosciences (DRG) was granted on 27 February 2020. The MOP/RMP continues to be implemented and is available on the Duralie Coal website.
<p>12. Other Fauna Protection and Management Measures as set out in Appendix E - Terrestrial Flora and Fauna Assessment of the Environmental Assessment (DCPL, 2010).</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed. A description of works undertaken in the Offset Area have been provided in the <i>Implementation of the Biodiversity Management Plan Annual Reports</i> previously provided to DoEE.

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Condition	Compliance Details
Offset Measures	
<p>13. Within 12 months of the commencement of the action the proponent must permanently protect and secure an offset area to compensate for the approved disturbance relating to MNES within the project area. This offset area must include:</p> <p>a) a minimum of 1.5 kilometres (in streamside length) of known or suitable Giant Barred Frog habitat (including a minimum width of 80 metres on either side of stream or river edges); and</p> <p>b) 177 ha of Swift Parrot habitat</p> <p>Note: For clarity, offset areas to be provided to meet the requirements of the NSW Government, which meet all of the requirements of this approval, will be adequate for the purpose of these conditions.</p>	<ul style="list-style-type: none"> Condition complete. Refer to Condition 16 for a summary chronology of actions taken to secure the biodiversity offset areas in perpetuity. The Biodiversity Management Plan was approved by DoEE on 28 August 2012 and a revised version approved on 27 November 2018, which includes a minimum of 1.5 kilometres (km) (in streamside length) of Giant Barred Frog habitat and 177 ha of Swift Parrot habitat in the Biodiversity Offset Area.
<p>14. To offset the impacts on the habitat of the Giant Barred Frog and Swift Parrot, the person taking the action must, by December 2011, obtain the Minister's approval of an Offset Management Plan. This plan must include:</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed. The Biodiversity Management Plan (BMP) was approved by SEWPaC on 28 August 2012 and is available on the Duralie Coal website at www.duraliecoal.com.au.
<p>a) the desired outcomes/objectives of implementing the plan;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>b) details of the offset area, clearly defining the location and boundaries of the offset area, through maps and / or textual descriptions as well as an accompanying <i>shapefile</i>;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>c) a detailed description of the Swift Parrot and Giant Barred Frog habitats in the offset area;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>d) management actions to protect and enhance the Swift Parrot habitat, for example, weed control and fire management measures;</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed.
<p>e) management actions to protect and enhance the Giant Barred Frog habitat including implementing a buffer zone approximately 60 m from the creek</p>	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition

<p>line along areas of the MJR and relevant tributaries; appropriate fencing of the riparian corridor; weed control; rehabilitation and enhancement of degraded riparian zone vegetation; and establishment of riparian vegetation in cleared areas alongside the MJR and relevant tributaries to improve habitat connectivity;</p>	<p>completed.</p>
<p>f) a monitoring plan including the undertaking of ecological surveys to assess the success of the management measures against identified milestones and objectives;</p>	<ul style="list-style-type: none"> Refer to the DEP (EPBC 2010/5396) Annual Compliance Report 2014. Condition completed.
<p>g) performance measures and reporting requirements against identified objectives, including trigger levels for corrective actions, and actions to be taken to ensure performance measures and objectives are met;</p>	<ul style="list-style-type: none"> Refer to the DEP (EPBC 2010/5396) Annual Compliance Report 2014. Condition completed.
<p>h) a process to report to the Department the offset area management actions undertaken and the outcome of those actions, identifying any need for improved management.</p>	<ul style="list-style-type: none"> Refer to the DEP (EPBC 2010/5396) Annual Compliance Report 2014. Condition completed.
<p>i) For the five years after the commencement of operations, reports are to be submitted annually on or before the anniversary of the commencement of operations. Subsequently reports are to be submitted every fifth year on or before the anniversary of the commencement of operations;</p>	<ul style="list-style-type: none"> Annual reports on the Implementation of the BMP were provided to DoEE annually for 5 years from 2013. The most recent report (<i>2017 Implementation of the Biodiversity Management Plan Report</i>) was provided to DoEE on 12 January 2017. The 2017 BMP annual report constituted the fifth annual report required by Condition 14(i). The next reports would be provided every 5 years until completion
<p>j) a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks; and,</p>	<ul style="list-style-type: none"> Refer to the DEP (EPBC 2010/5396) Annual Compliance Report 2014. Condition completed.
<p>k) details of parties responsible for monitoring, reviewing and implementing the plan.</p> <p>Note: the monitoring plan for offset areas required in Condition 13. f) above and the monitoring plan for the Giant Barred Frog required in Condition 7. c) may be combined where appropriate.</p>	<ul style="list-style-type: none"> Refer to the DEP (EPBC 2010/5396) Annual Compliance Report 2014. Condition completed.

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<p>15. The approved Offset Management Plan must be implemented. Any changes to the Offset Management Plan must be approved by the Minister and approved variations to the Plan must be implemented. This report may be made publicly available on the internet by the Department.</p>	<ul style="list-style-type: none"> The BMP was originally approved by DoEE on 28 August 2012. The BMP was revised during the 2018 reporting period and was subsequently approved by DP&E on 29 January 2019 and by DoEE on 27 November 2018. The key changes to the BMP included relevant updates to the performance and completion criteria tables with consideration to the works which have been completed to date. A description of works undertaken in the offset area have been provided in the <i>Implementation of the Biodiversity Management Plan Annual Reports</i> provided to DoEE. The BMP continues to be implemented and is available on the Duralie Coal website.
<p>16. Within one year of the commencement of the action, the person taking the action must demonstrate in writing to the satisfaction of the Minister that a conservation covenant or similar instrument has been registered on the title/s of land containing the offset area required in Condition 12. This must provide for the protection of this offset area in perpetuity, through one of the following means:</p> <ul style="list-style-type: none"> a Conservation Agreement under s 69 of the <i>National Parks and Wildlife Act 1974 (NSW)</i>, placing a restrictive or public positive covenant over the offset land under s.88B-E of the <i>Conveyancing Act 1919 (NSW)</i>, or a Planning Agreement under s 93F(1) of the <i>Environmental Planning and Assessment Act 1979 (NSW)</i>. <p>Note: to avoid doubt, the proponent may develop single plans to align with the requirements of the NSW Government and of this approval, where there are species or ecological communities covered by both NSW Government requirements and this approval.</p>	<ul style="list-style-type: none"> Condition completed. Refer to the summary chronology of actions taken to secure the biodiversity offset areas in perpetuity included in the previously provided DEP (<i>EPBC 2010/5396</i>) Annual Compliance Reports 2014, 2015 and 2016. In May 2015 DCPL received confirmation from NSW Land and Property Information (LPI) that the three (3) public positive covenants and three (3) Restrictions on Use of Land instruments to secure the DEP biodiversity offsets had been registered on title.
Publication of plans	
<p>17. All plans approved by the Minister under these conditions must be published on the proponent's website within 1 month of approval by the Minister.</p>	<ul style="list-style-type: none"> All plans approved by the Minister have been published on the DCPL website and are available at: http://duraliecoal.com.au/environment/management-plans-strategies-and-programs.php
<p>18. The department may request the proponent to publish a plan in a specified location or format and specified accompanying text. The proponent must comply with any such request.</p>	<ul style="list-style-type: none"> Condition not triggered. No requests have been received from DoEE to date.

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Reporting and Auditing	
19. Within 30 days of commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	<ul style="list-style-type: none"> Refer to the <i>DEP (EPBC 2010/5396) Annual Compliance Report 2014</i>. Condition completed. Commencement of the Action on 14 January 2011.
20. Within 3 months of every 12 month anniversary of the commencement of the action, the person taking the action must submit to the Department a report addressing compliance with the conditions of this approval. Annual Reports must be provided until the Minister is satisfied that the proponent has complied with all conditions of the approval and has implemented all commitments made in plans/programs approved by the Minister.	<ul style="list-style-type: none"> The action approved under EPBC 2010/5396 was commenced on 14 January 2011. Annual Compliance Reports have been provided to DoEE within 3 months of the 12 month anniversary of the commencement of the action on 14 January 2011 (i.e. by 14 April each year). This <i>2021 Duralie Coal Extension Project Annual Compliance Report</i> will be provided to DoEE by 14 April 2021.
21. 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 is 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.	<ul style="list-style-type: none"> Condition not triggered. The Minister has not directed DCPL to conduct an independent audit of compliance to date.
22. If, at any time after five years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter proceed without the written agreement of the Minister.	<ul style="list-style-type: none"> Condition not triggered. No such notification has been received to date. Commencement of the Action on 14 January 2011.

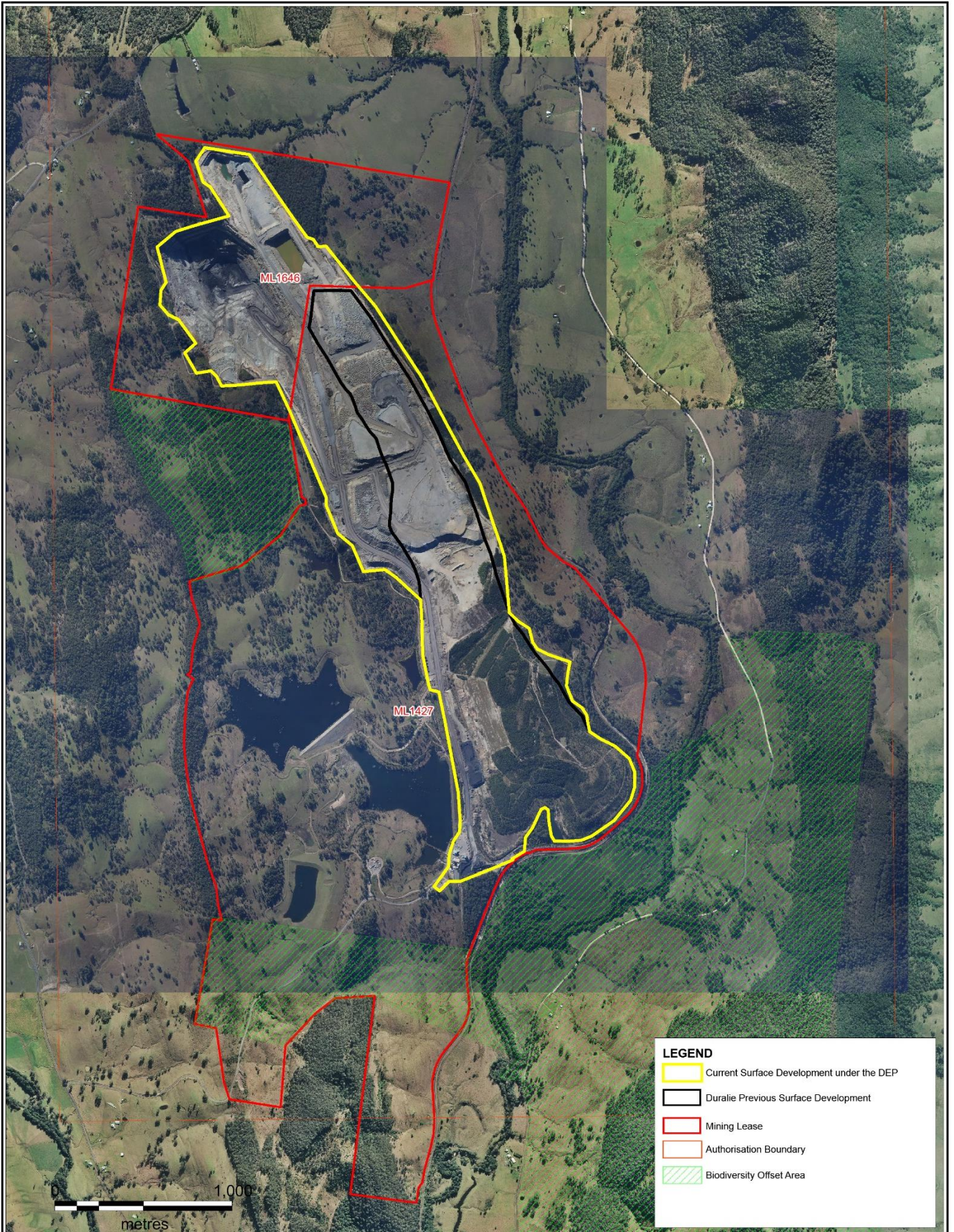
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<p>23. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans/programs referred to in these conditions, the person taking the action must submit for the Minister's approval a revised version of any such plan/program. If the Minister approves such a revised plan/program, that plan/program must be implemented in place of the plan/program originally approved.</p>	<ul style="list-style-type: none"> • Revised plans were submitted to the Minister for approval as shown below: <ul style="list-style-type: none"> ○ Duralie Coal Mine Biodiversity Management Plan – approved 27 November 2018; ○ Duralie Coal Mine Giant Barred Frog Management plan – approved 4 January 2016; ○ Duralie Coal Mine Rehabilitation Management Plan – approved 15 August 2012; and ○ Duralie Coal Mine Water Management Plan – approved 15 August 2012. • The MOP/RMP was revised during the reporting period. Approval by the NSW Division of Resources and Geosciences (DRG) was granted on 27 February 2020. • The BMP was revised during the 2018 reporting period and was subsequently approved by DP&E on 29 January 2019 and by DoEE on 27 November 2018. The key changes to the BMP included relevant updates to the performance and completion criteria tables with consideration to the works which have been completed to date. • The WAMP was revised during the 2017 reporting period and has been approved by DP&E on 5 September 2017. The changes to the WAMP related to ecotoxicity monitoring and did not result in changes to water management at the DCM. • The revised plans are consistent with the plans approved by the minister and are available on the Duralie Coal website and continue to be implemented in place of the superseded plans.
<p>24. If the Minister believes that it is necessary or desirable for the better protection of threatened species and threatened ecological communities (s.18 & s.18A) to do so, the Minister may request that the person taking the action make specified revisions to the plans or programs approved under these conditions of approval and submit the revised plan or program for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan or program must be implemented in place of the plan or program originally approved.</p>	<ul style="list-style-type: none"> • Condition not triggered. No such request has been received from the Minister to date.
<p>25. The person taking the action must maintain accurate records of all activities associated with or relevant to the above conditions of the approval, and make them available on request by the Department. Such documents may be subject to audit by the Department and used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department website. The results of audits may also be publicised through the general media.</p>	<ul style="list-style-type: none"> • DCPL continues to maintain accurate records of all activities associated with or relevant to the approval conditions. Records are available on request by DoEE. • No such request has been received from the Minister to date.

REFERENCES

- Biosphere Environmental Consultants Pty Ltd (2012) *Giant Barred Frog (Mixophyes iteratus) Monitoring Results – September 2011 to March 2012*. Prepared for Duralie Coal Pty Ltd.
- Biosphere Environmental Consultants Pty Ltd (2013) *Giant Barred Frog (Mixophyes iteratus) Monitoring Results – September 2012 to March 2013*. Prepared for Duralie Coal Pty Ltd.
- Biosphere Environmental Consultants Pty Ltd (2014) *Giant Barred Frog (Mixophyes iteratus) Monitoring Results – October 2013 to January 2014*. Prepared for Duralie Coal Pty Ltd.
- Biosphere Environmental Consultants Pty Ltd (2015) *Giant Barred Frog (Mixophyes iteratus) Monitoring Results – October 2014 to February 2015*. Prepared for Duralie Coal Pty Ltd.
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ATTACHMENT 1
DURALIE COAL MINE
ANNUAL COMPLIANCE REPORT FIGURE



LEGEND

- Current Surface Development under the DEP
- Duralie Previous Surface Development
- Mining Lease
- Authorisation Boundary
- Biodiversity Offset Area

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**Duralie Coal Extension Project
 Annual Compliance Report 2018**

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