

Stratford Extension Project (EPBC 2011/6176)



Annual Compliance Report 2018

**Commencement of the action 4 April 2018
Annual Reporting Period 4 April 2018 – 31 December 2018**

**Stratford Extension Project (EPBC 2011/6176)
Annual Compliance Report 2018**

Condition	Compliance Details
Endorsement of conditions on the Development Consent	
1. For the protection of listed threatened species and communities and / or water resources, the person taking the action must implement and comply with Conditions 3 to 33, 36, 39 and 53 to 55 of Schedule 3 to the Development Consent.	<ul style="list-style-type: none"> Compliance with the conditions of NSW Development Consent SSD-4966 is reported annually in the <i>Stratford Mining Complex Annual Review</i>. The Annual Review is due by the end of March each year and is made available on the Stratford Coal website at www.stratfordcoal.com.au.
Additional conditions for the protection of listed threatened species and communities	
2. Within ten (10) business days of the approval of any biodiversity management plan in accordance with Condition 39 of Schedule 3 to the Development Consent, whether in relation to an impact site, an offset site, or both, the person taking the action must provide the Department with a copy of the plan.	<ul style="list-style-type: none"> Stratford Coal Pty Ltd (SCPL) has prepared a Biodiversity Management Plan for the Stratford Extension Project in accordance with Schedule 3, Condition 39 of SSD-4966. SCPL provided notice to the Department of the Environment and Energy (DoEE) on 13 April 2018 to advise that the Stratford Mining Complex Biodiversity Management Plan (BMP) was approved by the NSW Department of Planning & Environment (DP&E) on 9 April 2018. A copy of the BMP was also provided to DoEE.
3. Within ten (10) business days of fulfilment (or partial fulfilment if offset areas are not secured simultaneously) of Condition 36 of Schedule 3 to the Development Consent (relating to legal security of offset areas), the person taking the action must provide the Department with documentary evidence of its fulfilment (or partial fulfilment).	<ul style="list-style-type: none"> Condition 3 not triggered as of 31 December 2018. SCPL are in the process of making suitable arrangements to protect the Biodiversity Offset Area in perpetuity. SCPL proposes to pursue the mechanisms available under section 88E(3) of the NSW Conveyancing Act, 1919, namely: <ul style="list-style-type: none"> Registration of a Positive Covenant under section 88E(3) of the NSW Conveyancing Act, 1919; and Registration of a Restriction on the Use of Land by a Prescribed Authority under section 88E(3) of the NSW Conveyancing Act, 1919. The draft instruments were provided to DP&E on 3 December 2018. SCPL will finalise the instruments for lodgment following the receipt of any comments from DP&E.

**Stratford Extension Project (EPBC 2011/6176)
Annual Compliance Report 2018**

Condition	Compliance Details
Additional conditions for the protection of water resources	
<p>4. Subject to Condition 6, the water management plan required by Condition 32 of Schedule 3 to the Development Consent must:</p>	<ul style="list-style-type: none"> • SCPL has prepared a Water Management Plan (WMP) for the Stratford Extension Project in accordance with Schedule 3, Condition 32 of SSD-4966 and Condition 4 of the Commonwealth Approval EPBC 2011/6176. • The WMP is available on the Stratford Coal website at www.stratfordcoal.com.au. • Table 3 in Section 2.2 of the WMP details where the requirements of Condition 4 have been address in the WMP.
<p>a. describe and implement a surface water and groundwater monitoring programme consistent with the National Water Quality Management Strategy, with sufficient spatial and temporal coverage, to:</p> <ol style="list-style-type: none"> establish appropriate baseline data, performance measures, assessment criteria and trigger values required by Conditions 31 and 32 of Schedule 3 to the Development Consent provide for detection of exceedance of trigger values as a result of the action in a manner that is quantifiable and robust (for example by comparison to baseline data and the use of control sites) obtain the additional data needed to validate the numerical groundwater model consistent with the requirements of Condition 32(c)(iii) of Schedule 3 of the Development Consent, including: <ul style="list-style-type: none"> • seasonal variations in groundwater levels and surface water-groundwater interaction • strata definition <p>This programme must include installation of additional multi-level (nested) monitoring wells between the town of Stratford and the project area.</p> 	<ul style="list-style-type: none"> • Condition 4(a) is addressed in the WMP Section 2.4.4. • Condition 4(a(i)) is addressed in the WMP Appendix 2 Surface Water Management Plan (SWMP) Sections 3, 4 and 5 and Appendix 3 Groundwater Management Plan (GWMP) Sections 3, 4 and 5. • Condition 4(a(ii)) is addressed in the WMP Appendix 2 SWMP Sections 5.1 and 8 and Appendix 3 GWMP Sections 5.1 and 7. • Condition 4(a(iii)) is addressed in the WMP Appendix 3 GWMP Section 6.2.
<p>b. define and detail a system of cascading trigger values and corresponding treatments Note: <i>Cascading trigger values must consider the potential for</i></p>	<ul style="list-style-type: none"> • Condition 4(b) is addressed in the WMP Appendix 2 SWMP Sections 5.1 and 6 and Appendix 3 GWMP Sections 5.1 and 6.

<p><i>impacts on all relevant water related assets, including Avondale Creek, Dog Trap Creek, and their tributaries, and private water users to the west of the project area.</i></p>	
<p>c. describe how the water management performance measures identified in Table 8 of Condition 31 of Schedule 3 to the Development Consent, and groundwater assessment criteria in Condition 32(c)(iii) of Schedule 3 to the Development Consent will be achieved</p>	<ul style="list-style-type: none"> Condition 4(c) is addressed in the WMP Section 3, Appendix 2 SWMP Table 7 and Appendix 3 GWMP Table 6.
<p>d. in addition to the requirements of Condition 32(c)(iv) of Schedule 3 to the Development Consent, prepare a protocol that gives consideration to information products as they arise from the Commonwealth Office of Water Science's Bioregional Assessment for the Gloucester Subregion.</p>	<ul style="list-style-type: none"> Condition 4(d) is addressed in the WMP Section 6.1
<p>5. Within ten (10) business days of the approval of any water management plan in accordance with Condition 32 of Schedule 3 to the Development Consent, the person taking the action must provide the Department with a copy of the plan.</p>	<ul style="list-style-type: none"> SCPL has prepared a Water Management Plan (WMP) for the Stratford Extension Project in accordance with Schedule 3, Condition 32 of SSD-4966 and Condition 4 of EPBC 2011/6176. SCPL provided notice to DoEE on 5 June 2018 to advise that the Stratford Mining Complex WMP was approved by the DP&E on 25 May 2018. A copy of the WMP was also provided to DoEE.
<p>6. If it is not possible to address Condition 4a) to d) through a water management plan approved in accordance with Condition 32 of Schedule 3 to the Development Consent, those matters must be addressed in a separate management plan and provided to the Minister for his approval. In that case, the person taking the action must not commence the action until the plan has been approved in writing by the Minister. The plan, once approved, must be implemented.</p>	<ul style="list-style-type: none"> The requirements of EPBC 2011/6176 Condition 4 (a to d) have been met by the WMP (refer to details in Condition 4 above), hence Condition 6 is not applicable and a separate management plan is not required to be prepared.
<p>7. The person taking the action must prepare and submit to the Minister for approval a final water impact verification report. The report must:</p> <ol style="list-style-type: none"> demonstrate that the water within the final voids will not be released to surface water or groundwater systems in the long-term consider possible worst case scenarios associated with the final voids and outline contingency responses, for example, if monitoring shows a groundwater gradient from the final voids towards the alluvium 	<ul style="list-style-type: none"> Not applicable - Not required until 5-10 years prior to expiry of EPBC 2011/6176.

- c. be based on results of recalibrated groundwater and site water balance modelling as required by Condition 32(c) of Schedule 3 of the Development Consent:
 - i. utilises hydrological and geological data obtained during mining, including validation of the hydraulic properties of all major hydrostratigraphic units, particularly to the west of the site of the action and representation of surface water-groundwater interactions
 - ii. applies uncertainty analysis that incorporates the potential influence of climate variability
- d. demonstrate that owners of any nearby resource developments, as described in Condition 32 of Schedule 3 to the Development Consent, have been consulted in preparation of the report.

The report must be provided to the Minister for approval between five (5) and ten (10) years prior to the expiry of this approval. Once approved in writing by the Minister, the plan must be taken into account in planning for the closure of the mine and the long-term management of the final voids.

**Stratford Extension Project (EPBC 2011/6176)
Annual Compliance Report 2018**

Condition	Compliance Details
Administrative conditions	
<p>8. Within ten (10) business days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement of the action.</p>	<ul style="list-style-type: none"> • SCPL provided notice to DoEE on 10 April 2018 to advise that the action approved under EPBC 2011/6176 was commenced on 4 April 2018. • DoEE advised in correspondence dated 16 April 2018 that the notification of the commencement of the action had been received.
<p>9. The person taking the action must maintain accurate records substantiating all activities associated with, or relevant to, these conditions of approval, including measures taken to implement any management documents, 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 these conditions of approval. Summaries of audits will be posted on the website of the Department and may also be publicised through the general media.</p>	<ul style="list-style-type: none"> • SCPL maintains records substantiating all activities associated with the conditions of approval and the relevant management documents. • Compliance with the conditions of consent is reported annually in the <i>Stratford Mining Complex Annual Review</i> in accordance with Schedule 5, Condition 4 of SSD-4966. • The Annual Review is due by the end of March each year and is made available on the Stratford Coal website at www.stratfordcoal.com.au. • DoEE have not requested the provision of any records from SCPL during the reporting period. • DoEE have not requested an audit during the reporting period.
<p>10. By 31 March of each year after the commencement of the action, or as agreed with the Department, the person taking the action must publish a report on their website addressing compliance with these conditions of approval during the previous calendar year, including implementation of any management documents as specified in the conditions. Non-compliance with any of these conditions of approval must be reported to the Department at the same time as the compliance report is published.</p>	<ul style="list-style-type: none"> • The action approved under EPBC 2011/6176 was commenced on 4 April 2018. • This <i>Stratford Extension Project Annual Compliance Report 2018</i> is the first report prepared in accordance with Condition 10 and covers the reporting period 4 April 2018 to 31 December 2018. • Annual Compliance Reports will continue to be submitted to DoEE each year prior to 31 March. • The implementation of the relevant management documents required in accordance with the conditions of EPBC 2011/6176 is reported annually in the <i>Stratford Mining Complex Annual Review</i> in accordance with Schedule 5, Condition 4 of SSD-4966.
<p>11. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with these 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.</p>	<ul style="list-style-type: none"> • Condition not triggered - DoEE have not requested an independent audit of compliance to date.

**Stratford Extension Project (EPBC 2011/6176)
Annual Compliance Report 2018**

Condition	Compliance Details
<p>12. The person taking the action may choose to revise a management document approved by the Minister under Condition 6 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised management document would not be likely to have a new or increased impact on a matter of national environmental significance. If the person taking the action makes this choice they must:</p> <ol style="list-style-type: none"> a. notify the Department in writing that the approved management document has been revised and provide the Department with an electronic copy of the revised management document b. implement the revised management document from the date that it is submitted to the Department; and c. for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised management document would not be likely to have a new or increased impact on a matter of national environmental significance. 	<ul style="list-style-type: none"> • SCPL has prepared a WMP for the Stratford Extension Project in accordance with Schedule 3, Condition 32 of SSD-4966 and Condition 4 of the EPBC 2011/6176. • The requirements of EPBC 2011/6176 Condition 4 (a to d) have been met by the WMP (refer to details in Condition 4 above), • Therefore, Condition 12 is not applicable as a separate management plan is not required to be prepared in accordance with Condition 6.
<p>13. The person taking the action may revoke their choice under Condition 12 at any time by notice to the Department. If the person taking the action revokes their choice to implement a revised management document without approval under section 143A of the EPBC Act, the management document approved by the Minister must be implemented.</p>	<ul style="list-style-type: none"> • Not applicable – refer to Condition 12 above.
<p>14. Condition 12 does not apply if the revisions to the approved management document include changes to environmental offsets provided under the management document in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management document would, or would not, be likely to have new or increased impacts.</p>	<ul style="list-style-type: none"> • Condition not triggered

**Stratford Extension Project (EPBC 2011/6176)
Annual Compliance Report 2018**

Condition	Compliance Details
<p>15. 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 management document would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a. Condition 12 does not apply, or ceases to apply, in relation to the revised management document; and b. the person taking the action must implement the management plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of Conditions 12 to 14 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 12 does not apply for one or more specified management documents required under the approval.</p>	<ul style="list-style-type: none"> • Condition not triggered
<p>16. Conditions 12 to 15 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 management document to the Minister for approval.</p>	<ul style="list-style-type: none"> • Condition not triggered.
<p>17. If, at any time after five (5) years from the date of this approval, commencement of the action has not occurred, then the person taking the action must not commence the action without the written agreement of the Minister.</p>	<ul style="list-style-type: none"> • Not applicable -The action approved under EPBC 2011/6176 was commenced on 4 April 2018.
<p>18. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management documents referred to in these conditions of approval on their website. Each management document must be published on the website within ten (10) business days of being approved by the Minister or being submitted under Condition 12a).</p>	<ul style="list-style-type: none"> • The management documents referred in the conditions of EPBC 2011/6176 have been published on the Stratford Coal website and are available at: http://www.stratfordcoal.com.au/page/environment/environmental-management-plans-strategies-and-programs/ • The relevant documents include: <ul style="list-style-type: none"> ○ Condition 2 – Biodiversity Management Plan (BMP) ○ Condition 4 – Water Management Plan (WMP)

REFERENCES

Stratford Coal Pty Ltd (2012) *Stratford Extension Project Environmental Impact Statement*.

Stratford Coal Pty Ltd (2018) *Stratford Mining Complex Annual Review 2018*

Stratford Coal Pty Ltd (2018) *Stratford Mining Complex Biodiversity Management Plan*.

Stratford Coal Pty Ltd (2018) *Stratford Mining Complex Water Management Plan*.

