

## Annual Compliance Report – Greta Train Support Facility

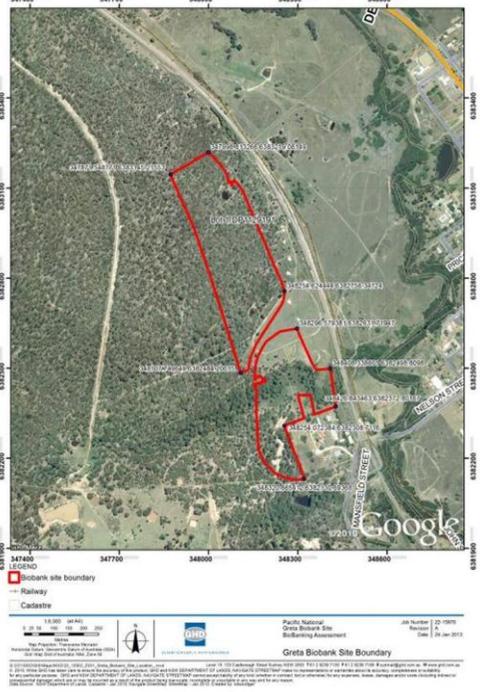
Environment Australia – Department of Environment. Ministers conditions associated with EPBC 2009/5243

**Table 1** Annual compliance report - 15 July 2012 to 14 July 2013

Condition	Condition requirement	Condition Status	Comments
1	The person taking the action must carry out the action in accordance with the conditions of this approval and as described in the Environment Assessment dated 23 August 2010, the Response to Submissions and Preferred Project Report dated December 2010, and the EPBC Act Biodiversity Offset Assessment dated February 2011. Where the above documents and these conditions are inconsistent, these conditions shall prevail to the extent of the inconsistency	Compliant	Industry experts GHD were engaged to ensure that all conditions of approval, and commitments made in the Environmental Assessment, Response to submissions and Preferred Project Report and the Biodiversity Offset Assessment were compliant. As a consequence, the Biodiversity Offset Package was approved by the Minister.
2	Within 10 days from the commencement of the action, the person taking the action must advise the Department in writing of the actual date of substantial commencement.	Complaint	The Department was advised in writing within ten days of substantial commencement of the action.
3	Within three (3) months of every 12 month anniversary of the substantial commencement of the action, 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 the management plan specified in Condition 11 and Condition 12. 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.	Non-compliant	Annual compliance reporting was not published for the period 15 July 2012 to 14 July 2013. Pacific National understood that the annual reporting requirement was limited to the construction period of the project. Pacific National has been advised that the reporting continues beyond the construction period. Pacific National has published this report in order to satisfy this condition. The report will be published on the following web site <a href="http://asciano.com.au/">http://asciano.com.au/</a> .
4	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in Condition 11, Condition 12 and Condition 13, the person taking the action must submit for the	Compliant	Conditions 12 and 13 attached to EPBC 2009/5243 approval were varied by the Department of Sustainability, Environment, Water, Population and Communities on 29 September 2012. The purpose of

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	<p>Minister's written approval a revised version of any such plan, report or strategy. The varied activity shall not commence until the Minister has approved the plans in writing. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved. Unless the Minister has approved the revised plan, report or strategy, then the person taking the action must continue to implement the plan, report or strategy originally approved, referred to in Condition 11, Condition 12 and Condition 13.</p>		<p>the variation was to extend the timeframe for implementation of these conditions to 29 January 2013.</p>
5	<p>If the <b>Minister</b> believes that it is necessary or convenient for the better protection of listed threatened species to do so, the <b>Minister</b> may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to Condition 11, Condition 12 and Condition 13 prior to the covenants referred to in Condition 12 and Condition 13 being registered and submit the revised plan, report or strategy for the <b>Minister's</b> written approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented. Unless the <b>Minister</b> has approved the revised plan, report or strategy, then the person taking the action must continue to implement the plan, report or strategy originally approved, referred to in Condition 11.</p>	Compliant	<p>The Minister has not put forward any such requests.</p>
6	<p>If, at any time after five (5) years from the date of this approval, the person taking the action has not <b>substantially commenced the action</b>, then the person taking the action must not <b>substantially commence the action</b> without the written agreement of the <b>Minister</b>.</p>	Not applicable	<p>Substantial commencement of the action occurred on 15 July 2011.</p>

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7	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 the plans, reports or strategies 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.	Compliant	<p>All documents associated with Pacific National's compliance with the conditions attached to EPBC 2009/5423 approval have been provided to the Department either for informative purposes or approval.</p> <ul style="list-style-type: none"> <li>• The following reporting has been undertaken: Environmental Assessment;</li> <li>• Response to Submissions and Preferred Project report;</li> <li>• Flora and Fauna Assessment ;</li> <li>• Vegetation management plan;</li> <li>• Biodiversity Offset Package;</li> <li>• Various Expert Threatened Species reports;</li> <li>• EPBC Act Biodiversity Offset Assessment;</li> <li>• Advice re Offsite Biobank Creation; and</li> <li>• Advice regarding Offsite Credit Purchase.</li> </ul>
8	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans, reports and strategies (however described) referred to in these conditions of approval on their website. Each plan, report and strategy must be published on the website within one (1) month of being finalized.	Compliant	All approval documents were previously published to the Pacific National Projects page of the Asciano website. Following completion of the construction process the website was removed. Pacific National will seek to republish the annual compliance report and the approved EPBC Act Biodiversity Offset Assessment and Biodiversity Offset Package, which includes the relevant management plans, reports and strategies, on the Asciano website.
9	Clearance of native vegetation must not exceed 20.47 hectares of vegetation and must only occur within the proposed development footprint as defined on the map at Annexure 1.	Compliant	<p>Pacific National has ensured that the construction of the GTSF did not exceed the approved footprint. Figure 1 below details the biobanking footprint of the site requiring in perpetuity protection.</p> <p>Figure 1. GTSF Biobanking zone requiring protection</p>

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			 <p>The map shows an aerial view of a site with a red boundary. The site is located near a railway line and a road. The map includes a coordinate grid with Easting (347400 to 348800) and Northing (633100 to 633400) values. A legend at the bottom left identifies the red line as the 'Biobank site boundary', a black line as 'Railway', and a grey line as 'Cadastral'. The title block at the bottom right identifies the project as 'Pacific National Greta Biobank Site Bulk Mining Assessment' and 'Greta Biobank Site Boundary'. It also includes a scale of 1:8,000 and a date of 20 Dec 2013.</p>
10	Asset Protection Zones must only occur within the proposed development footprint as defined on the map at Annexure 1.	Compliant	All Asset protection zones were designed and constructed within the approved development footprint.
11	<p>The person taking the action must submit aVegetation Management Plan (or equivalent) for the Minister’s approval to ensure that impacts to the areas defined on the map at Annexure 1 as “Biobank site” are minimised prior to these areas being conserved in perpetuityas outlined in Condition 12. This management plan must be approved by the Minister prior to substantial commencement of the action. If the Minister approves the Vegetation Management Plan then the approved management plan must be implemented prior to substantial commencement of the action.The plan must include:</p> <ul style="list-style-type: none"> <li>i. Measures to be implemented to avoid any impacts on the native vegetation during</li> </ul>	Compliant	The Vegetation Management Plan was submitted to the Department and approved by the Minister.

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	<p>construction;</p> <p>ii. Measures to be implemented to avoid, suppress and control the spread of weeds, plant pathogens and invasive species, as well as other indirect impacts that may result from the action during and after construction; and</p> <p>iii. Clear key milestones, monitoring, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the plan.</p>		
12	<p>The person taking the action must submit a Biodiversity Offset Package for the Minister's approval to provide for the conservation and management in perpetuity of areas defined on the map at Annexure 1 as "Biobank site" by 30 September 2012. The Biodiversity Offset Package must be approved by the Minister in writing prior to substantial commencement of the action and must include:</p> <p>i. The registration of a conservation covenant under relevant nature conservation legislation on the areas referred to in this condition (Condition 12) by 29 January 2013, unless otherwise agreed to by the Minister, which must:</p> <p>(a) provide for the protection of these areas in perpetuity;</p> <p>(b) prevent any future development activities; and</p> <p>(c) ensure the active management of the vegetation on-site.</p> <p>ii. Measures to be implemented to rehabilitate native vegetation within the areas referred to in this condition (Condition 12);</p> <p>iii. A summary of management measures consistent with advice from a suitably qualified expert, to be implemented on the areas referred to in this condition (Condition 12), and a summary of key milestones, monitoring, performance indicators, corrective actions and timeframes</p>	Partially compliant	<p>Pacific National's Biodiversity Offset Package is committed to using the NSW Biobanking scheme as the mechanism to protect biodiversity and includes:</p> <ul style="list-style-type: none"> <li>• a Biodiversity Banking and Offsets Scheme relating to an offsite location (<b>Offsite Package</b>); and</li> <li>• a Biodiversity Banking and Offsets Scheme relating to the Pacific National Train Support Facility, Greta NSW (<b>Onsite Package</b>),</li> </ul> <p>(together the <b>Biobanking Scheme</b>).</p> <p>The Biobanking Scheme was approved by the Minister and satisfies the following requirements:</p> <ul style="list-style-type: none"> <li>• in perpetuity requirements;</li> <li>• prevents future land development;</li> <li>• ensures active land management;</li> <li>• a summary of management measures;</li> <li>• rehabilitation objectives;</li> <li>• the registration of a conservation covenant in relation to the Offsite Package; and</li> <li>• a summary of all actions and timelines.</li> </ul>

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	<p>for the completion of all actions outlined in the Package; and</p> <p>iv. Provisions for the finalised management measures, milestones, monitoring, performance indicators, corrective actions and timeframes for the completion of all actions to be submitted to the department for comment prior to being registered on the title of the areas. These finalised measures must commence within three (3) months of the legal protection of these areas and must be registered on title.</p> <p>If the Minister approves the Biodiversity Offset Package then the measures outlined in Condition 12 must be implemented by 29 January 2013, unless otherwise agreed to by the Minister.</p>		<p>The finalised management measures did not commence within three months of the legal protection of the Biobank Site and the Biobanking Scheme was not implemented by 29 January 2013. Pacific National was in discussions with the NSW OEH at this time and had sought a variation to extend this deadline. However during the period 15 July 2012 to 14 July 2014, the Offsite Package had been completed with active land management commencing and implemented by the land owner and regulated by NSW OEH. Additionally the Offsite Package had created a Biobanking Zone, providing protection for approximately 120 hectares of EEC.</p> <p>During this period, the Onsite Package was drafted and interim land management actions were undertaken in accordance with approvals including:</p> <ul style="list-style-type: none"> <li>• exclusion of operations;</li> <li>• installation and maintenance of perimeter fence</li> <li>• installation and maintenance of locked access points</li> <li>• installation of Environmental Protection zone signage</li> <li>• perimeter weed management</li> <li>• progress of Local approvals for ecological burn regime; and</li> <li>• maintenance of nesting boxes.]</li> </ul>
13	The Biodiversity Offset Package outlined in Condition 12 must also provide for the conservation and management in perpetuity of an area of habitat for listed threatened species and ecological communities equal or greater in size to than that determined by the NSW Biodiversity Banking and Offsets	Partially compliant	<p>The Biobanking Scheme was approved by the Minister and satisfies the following requirements:</p> <ul style="list-style-type: none"> <li>• in perpetuity requirements;</li> </ul>

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	<p>Scheme methodology. The Biodiversity Offset Package must be approved by the Minister in writing prior to substantial commencement of the action and must include:</p> <ol style="list-style-type: none"> <li>i. The identification of the proposed offset site or sites;</li> <li>ii. The proposed offset site or sites referred to in Condition 13(i) must contain habitat of equal or greater quality to that to be removed within the development footprint for the Grey Headed Flying Fox, the Regent Honeyeater, the Swift Parrot and other listed threatened species likely to be impacted by the action;</li> <li>iii. For each hectare of suitable habitat for the species described in Condition 13(ii) to be impacted by the action, the proposed offset site or sites must protect a minimum of 5 hectares of suitable habitat (5:1 ratio);</li> <li>iv. For each Slaty Red gum (<i>Eucalyptus glaucina</i>) impacted by the action, the proposed offset site or sites must protect a minimum of 4 Slaty Red Gum specimens (4:1 ratio);</li> <li>v. The offset site or sites referred to in Condition 13(i) must be located within 50km of the site for the action, unless otherwise agreed to by the Minister;</li> <li>vi. The offset site or sites referred to in Condition 13(i) must be protected by a conservation covenant registered on the title of the offset site or sites under relevant nature conservation legislation by 29 January 2013;</li> <li>vii. The covenant referred to in Condition 13(v) must provide for: <ol style="list-style-type: none"> <li>(a) The protection of the land in perpetuity;</li> <li>(b) The prevention of any future development activities; and</li> <li>(c) The active management of the land;</li> </ol> </li> <li>viii. A summary of management measures consistent with advice from a suitably qualified expert, to be implemented on the offset site or sites referred to in Condition 13(i) and a summary of key milestones, monitoring, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the Package;</li> <li>ix. Provisions for the finalised management measures,</li> </ol>		<ul style="list-style-type: none"> <li>• identification of offsite and onsite areas in locations satisfactory to the Minister;</li> <li>• [contains habitat of equal or greater quality to that of the area removed;]</li> <li>• [the offsite and onsite areas protect the habitat of the species impacted by the action to a ratio approved by the Minister;]</li> <li>• the prevention of any</li> <li>• ensures active land management;</li> <li>• a summary of management measures;</li> <li>• the registration of a conservation covenant in relation to the Offsite Package; and</li> <li>• a summary of all actions and timelines; and</li> <li>• provisions for yearly reporting.</li> </ul> <p>[The Biobanking Scheme was not implemented by 29 January 2013. Pacific National was in discussions with the [Department] at this time and had sought a variation to extend this deadline.</p> <p>However during the period 15 July 2012 to 14 July 2014, the Offsite Package had been completed with active land management commencing and implemented by the land owner and regulated by NSW OEH. Additionally the Offsite Package had created a Biobanking Zone, providing protection for approximately 120 hectares of EEC.</p> <p>During this period, the Onsite Package was drafted and interim land management actions were undertaken in accordance with approvals including:</p> <ul style="list-style-type: none"> <li>• exclusion of operations;</li> <li>• installation and maintenance of perimeter fence</li> <li>• installation and maintenance of locked access points</li> </ul>

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	<p>monitoring, performance indicators, corrective actions and timeframes for the completion of all actions, to be submitted to the department for comment prior to being registered on the title of on the offset site or sites referred to in Condition 13(i). These measures must commence within three (3) months of the legal protection of the offset site or sites referred to in Condition 13(i) and must be registered on title.</p> <p>x. Provisions for a yearly report addressing compliance with the Biodiversity Offsets Package to be published and documentary evidence providing proof of the date of publication and non-compliance with Condition 13 to be provided to the department at the same time as the compliance report is published.</p> <p>If the Minister approves the Biodiversity Offset Package then the measures outlined in Condition 13 must be implemented within by 29 January 2013.</p>		<ul style="list-style-type: none"> <li>• installation of Environmental Protection zone signage</li> <li>• perimeter weed management</li> <li>• progress of Local approvals for ecological burn regime; and</li> <li>• maintenance of nesting boxes.]</li> </ul>