

Approval EPBC 2009/5243

Annual Compliance Report

15 July 2016 – 14 July 2017

This report is prepared by Pacific National in accordance with Approval EPBC 2009/5243 13 May 2011:

No.	Condition Requirement	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.	Closed Out	As per previous report. <i>Greta Train Support Facility constructed in accordance with the Environmental Assessment (23 August 2010), response to Submissions, and GHD Biodiversity Offset Assessment Package (February 2011) resulting in Approval EPBC 2009/5243</i>
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	Closed Out	As per previous report.

No.	Condition Requirement	Status	Comments
3	<p>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 date of publication and non-compliance with any of this approval must be provided to the Department at the same time as the compliance report is published</p>	<p>Delayed compliance</p>	<p>The Annual Compliance Report is published at: https://pacificnational.com.au/p/environment</p> <p>The publication of the 2015-2016 report was delayed until July 2016</p>
4	<p>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 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>Compliant</p>	<p>Variation to extend the timeframe for the implementation of conditions approved:</p> <ul style="list-style-type: none"> • 29 September 2012; and • 2 May 2013 <p>No actions or activities were carried out, other wise than in accordance with the Management plans were undertaken during the 2015 – 2016 reporting period</p>

No.	Condition Requirement	Status	Comments
5	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species to do so, the Minister 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 Minister's 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 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.</p>	Compliant	<p>The Minister has not requested revisions to plans during the reporting year</p>
6	<p>If, at any time after five (5) years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>	Closed Out	<p>Construction Commencement Date: 15 July 2011</p>
7	<p>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.</p>	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. Records are maintained at Pacific National and may be produced at the request of the Department.</p> <p>The Annual report is published on pacific nationals website</p>

No.	Condition Requirement	Status	Comments
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	<p>The website https://pacificnational.com.au/p/environment</p> <ul style="list-style-type: none"> • Contains links to: EPBC Act Biodiversity Offset Assessment; • Biodiversity Offset package: • Annual reporting documentation in accordance with EPBC 2009/5243 for years 2012 - 2017
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>Construction of the GTSF did not exceed the approved footprint.</p> <p>Figure 1 shows the planned development and Biobanking zones of the GTSF, while Figure 2 shows a current 2017 image of the GTSF.</p>

No. Condition Requirement

Status

Comments

Figure 1: Proposed GTSF

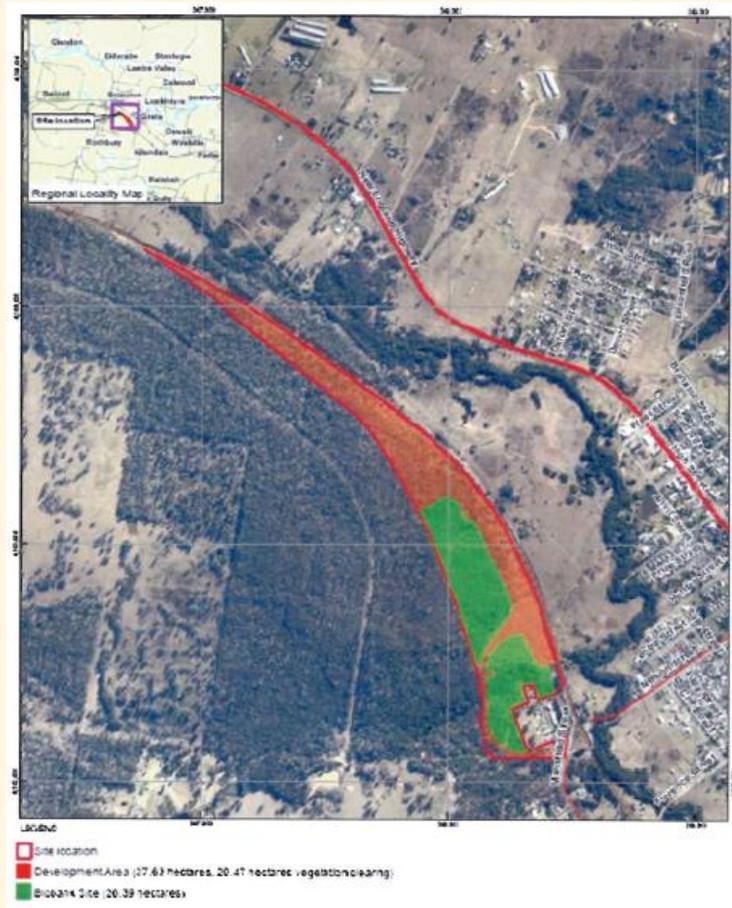
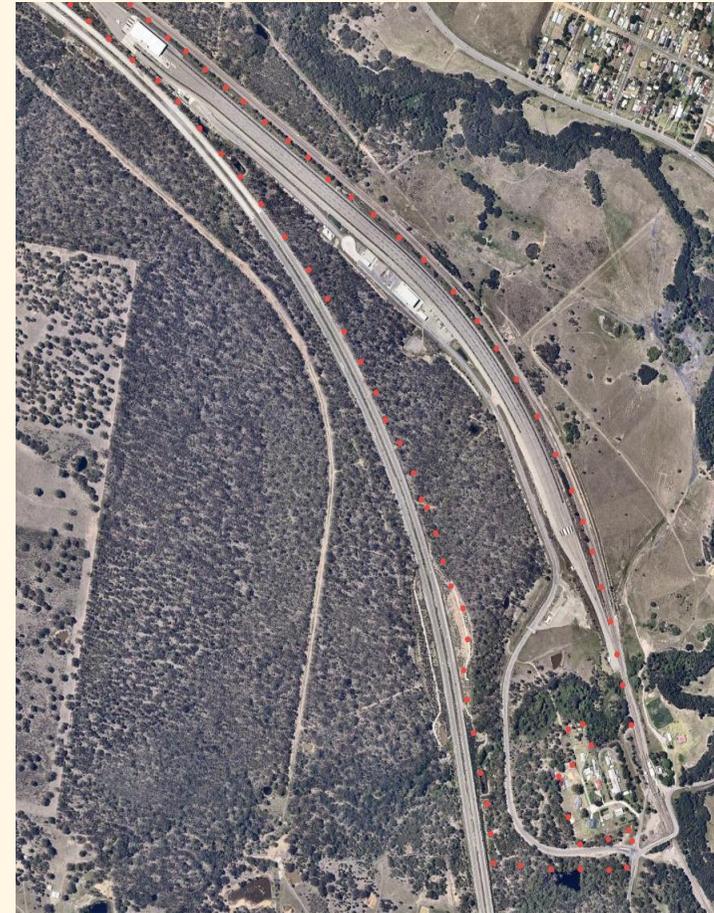


Figure 2: 2016 image



No.	Condition Requirement	Status	Comments
10	Asset Protection Zones must only occur within the proposed development footprint as defined on the map at Annexure 1.	Compliant	<p>All Asset protection zones were designed and constructed within the approved development footprint shown in Figure 1 and Figure 2 above.</p> <p>There was no change to Asset Protection Zone during the 2015-2016 reporting year</p>
11	<p>The person taking the action must submit a Vegetation 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 perpetuity as 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 data-bbox="297 970 1120 1038">i. Measures to be implemented to avoid any impacts on the native vegetation during construction; <li data-bbox="297 1058 1151 1206">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 <li data-bbox="297 1225 1167 1334">iii. Clear key milestones, monitoring, performance indicators, corrective actions and timeframes for the completion of all actions outlined in the plan. 	Closed - Out	<p>The Vegetation Management Plan was submitted to the Department and approved by the Minister</p> <p>Vegetation Management of the Biobank Site is maintained in accordance with NSW TSCA Agreement 116 Management Plan and is reported annually in the Annual Report to the Office of Environment and Heritage as required under the TSCA.</p>

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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> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a) provide for the protection of these areas in perpetuity; b) prevent any future development activities; and c) ensure the active management of the vegetation on-site. ii. Measures to be implemented to rehabilitate native vegetation within the areas referred to in this condition (Condition 12); 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 for the completion of all actions outlined in the Package; and 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 	Partially Compliant	<p>Pacific Nationals Biodiversity Offset Package was approved by the Minister 15th May 2013.</p> <p>Pacific National’s Biodiversity Offset Package is committed to using the NSW Biobanking Scheme as the mechanism to protect biodiversity (the Biobanking Scheme) and includes:</p> <ul style="list-style-type: none"> • a Biodiversity Banking and Offsets Scheme relating to an offsite location (Offsite Package); and • a Biodiversity Banking and Offsets Scheme relating to the Pacific National Train Support Facility, Greta NSW (OnsitePackage), <p>The Biobanking Scheme was approved by the Minister and satisfies the following requirements:</p> <ul style="list-style-type: none"> • in perpetuity requirements; • prevents future land development; • ensures active land management; • a summary of management measures; • rehabilitation objectives; • the registration of a conservation covenant in relation to the Offsite Package; and • a summary of all actions and timelines.

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	<p>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 Offsite Package management measures were completed during the 2015 reporting period and active management of this site is conducted by the land owner in accordance with NSW TSCA Biobanking Agreement 96.</p> <p>Implementation of management actions at the onsite Biobank were delayed and were not implemented by 29 January 2013. Since that time, management actions implemented include:</p> <ul style="list-style-type: none"> • exclusion of operations; • installation and maintenance of perimeter fence • installation and maintenance of locked access points • installation of Environmental Protection zone signage • planning for local ecological burning regime • perimeter weed management and • maintenance of nesting boxes. <p>The site is additionally preserved under the Local Planning Instrument with and Environmental Conservation Zoning.</p> <p>During the 2016 – 2017 reporting year, PN continued discussions with NSW OEH, NSW DPI and the Department of Environment and Energy regarding</p>

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13	<p>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 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"> i. The identification of the proposed offset site or sites; 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; 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); 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); 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; vi. The offset site or sites referred to in Condition 13(i) must be 	Partially Compliant	<p>management of the site.</p> <p>The Biobanking Scheme was approved by the Minister 15 May 2013 and satisfies the following requirements:</p> <ul style="list-style-type: none"> • in perpetuity requirements; • identification of offsite and onsite areas in locations satisfactory to the Minister; • contains habitat of equal or greater quality to that of the area removed; • the offsite and onsite areas protect the habitat of the species impacted by the action to a ratio approved by the Minister; • prevents further development activities (Additionally, Land on site at GTSF is zoned under Cessnock LEP as Environmental Conservation) <p>The Offsite Package regulated by NSW OEH and identified under NSW TSCA as Biobanking Agreement 96 is managed by the land owner.</p> <p>During the 2016 – 2017 reporting year, PN continued discussions with NSW OEH, NSW DPI and the Department of Environment and Energy regarding management of the on-site biobank and future options to meet the requirements of the biodiversity offset package.</p>

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	protected by a conservation covenant registered on the title of the offset site or sites under relevant nature conservation legislation by 29 January 2013;		
vii.	<p>The covenant referred to in Condition 13(v) must provide for:</p> <ul style="list-style-type: none"> a. The protection of the land in perpetuity; b. The prevention of any future development activities; and c. The active management of the land; 		
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;		
ix.	Provisions for the finalised management measures, 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.		
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.		

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	If the Minister approves the Biodiversity Offset Package then the measures outlined in Condition 13 must be implemented within by 29 January 2013.		