

NBG LOM Extension Project – EPBC 2012/6370 Annual Compliance Summary Report – June 2017

Category	Condition No.	Condition	Status	Achievements for Review Period
Standard Conditions	1	Within 10 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	Closed	Letter dated 10/02/2016 submitted to DoTEE discussing commencement of activity on the 01/02/2016. A formal response was received from the DotEE. This condition is considered closed.
	2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans 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.	Not current	NBG maintains records of all activities, including those associated with this approval. Record management is completed in a manner consistent with the operations Integrated Management System procedures. Records have been maintained relating to communications between NBG and DotEE in the post approvals phase.
	3	Unless otherwise agreed to in writing by the Minister, by 30 June each year after the 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 any management plans 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. The compliance report must remain on the proponent's website for a minimum of 12 months (beginning on the date of publication). Potential or actual contraventions of the conditions of the approval must be reported to the Department in writing within 2 business days of the person taking the action becoming aware of the actual or potential contravention. All contraventions must also be included in the compliance reports.	Compliant	The first report which covers the period 01/02/16 to the 30/06/16 was submitted to the DotEE and placed on www.newmont.com A copy of this revised update, which covers the period 01/07/2016 to the 30/06/2017 will be uploaded to the website by the 30/06/2017.
	4	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 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.	Not current	No direction has been made to NBG to undertake an independent audit of compliance with approval conditions

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	5	<p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) in writing. The Minister will not approve a varied management plan(s) unless the revised management plan(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), that management plan(s) must be implemented in place of the management plan(s) originally approved.</p> <p>(a) the approval holder may revise a management plan to correct a minor error in or make an administrative change to the document. Where the approval holder revises a management plan, the approval holder must provide to the Department within 14 days of revising the document:</p> <p>(i) a copy of the management plan, marked up to show the revisions, in both hard copy and electronic copy; and</p> <p>(ii) a clear summary of all revisions that have been made to the management plan, and the reasons for these revisions.</p>	Compliant	No activities have been undertaken otherwise than in accordance with the management plans.
	6	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s) specified in the conditions and submit the revised management plan(s) for the Minister's written approval. The person taking the action must comply with any such request within three months of receiving the request. The revised approved management plan(s) must be implemented within one month of receiving the Minister's written approval. Unless the Minister has approved the revised management plan(s), then the person taking the action must continue to implement the management plan(s) originally approved, as specified in the conditions.</p>	Compliant	No request has been made of NBG by the Minister to revise the Management Plan.
	7	<p>If, at any time after five 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	As outlined in Condition 1, the action was commenced in February 2016.
	8	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plan(s) referred to in these conditions of approval on their website. Each management plan(s) must be published on the website within one (1) month of being approved. The person taking the action must notify the Department within five (5) business days of publishing the management plan(s) on their website. The management plan(s) must remain on their website for the period this approval has effect.</p>	Compliant	<p>The Black Cockatoo Management plan was approved on 24 October 2014, with the management plan published on 10 November 2014.</p> <p>The Terrestrial Fauna Management plan was approved on 12 January 2015, with the management plan published on 21 January 2015.</p> <p>Neither plan has been amended since submission. NBG will be re-submitting the Black Cockatoo Management Plan (minor amendments) in June 2017.</p>

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Habitat Clearing	9	The person taking the action must not clear more than 1, 755 hectares of native vegetation from the "Proposed RDA", "WRD#10", "WRD#11" and "WRD#12" within the project site shown in Figure 1 of this approval (subject to condition 10 (b) below). The person taking the action is permitted to make minor changes to the boundaries of the "Proposed RDA", "WRD#10", "WRD#11" and "WRD#12" within the project site. Any change to the boundaries and the reason for the change(s) must be communicated to the Department in writing prior to clearing changes boundaries. No clearing must occur outside the project site.	Compliant	As of 31 December 2016 approximately 368 ha of land has been cleared for the proposal. This clearing has been for the preparation of land for the waste rock expansion and supporting drainage works.
Black Cockatoo Management Plan	10	<p>To protect Black Cockatoos the person taking the action must prepare and submit a Black Cockatoo Management Plan 1 (BCMP) for approval by the Minister. The CMP must include, but is not limited to:</p> <ul style="list-style-type: none"> (a) a staff induction program that provides information to all employees and contractors on the responsibilities of the person taking the action, its employees and contractors to minimise and avoid impacts to Black Cockatoos. (b) Measures to identify and avoid clearing of potential Black Cockatoo breeding habitat, including within the "Proposed RDA", "WRD#10", "WRD#11" and "WRD#12" areas within the project site shown in Figure 1. These measures must include identification of native vegetation containing nestlings and a commitment not to clear native vegetation containing nestlings until such time as nestlings have left the nest without human intervention. (c) Measures to maximize the rehabilitation of the "Proposed RDA", "WRD#10", "WRD#11" and "WRD#12" shown in Figure 1 prior to the expiry date of this approval by using food plant and hollow producing tree species for Black Cockatoos in rehabilitation seed mixes. (d) Investigation of the use of artificial nest hollows on the project site. (e) Measures to identify and limit the spread of <i>Phytophthora cinnamomi</i>, including consideration where relevant of the Threat Abatement Plan for Disease in Natural Ecosystems caused by <i>Phytophthora cinnamomi</i> (Australian Government Department of the Environment, 2014). (f) The prohibition of pets and firearms on the project site. (g) Measures to mitigate vehicle collisions, including speed limits on the project site and the installation of relevant signage on roads and entry points to the project site noting the presence of Black Cockatoos. (h) A requirement for all employees and contractors to report all incidents that result in the injury or death of a Black Cockatoo to the project site Environmental Department. The project site environmental department must report any incidents that result in death or injury to Black Cockatoos in the annual compliance report required by Condition 3. 	Compliant	<p>The Black Cockatoo Management Plan was submitted to DotEE in July and approved on 24 October 2014. The document contains all requirements as specified within condition 10. No clearing action commenced prior to approval of the plan.</p> <p>The Plan has been revised and will be resubmitted (with minor amendments only) in 2017.</p>
	11	The BCMP must be submitted to the Minister for approval at least three months prior to the commencement of the action. Construction must not occur until the BCMP has been approved by the Minister. The approved BCMP must be implemented.	Complete	The Black Cockatoo Management plan was submitted in July and approved on 24 October 2014. No clearing action commenced prior to approval of the plan.

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Terrestrial Fauna Management Plan	12	<p>To protect Woylie (<i>Bettongia penicillata ogilbyi</i>) and Chuditch (<i>Dasyurus geoffroii</i>) the person taking the action must prepare and submit a Terrestrial Fauna Management Plan2 (TFMP) for approval by the Minister. The TFMP must include, but is not limited to:</p> <ul style="list-style-type: none"> (a) a staff induction program that provides information to all employees and contractors on Chuditch and Woylie and activities/actions that may result in a direct or indirect impact on these species. (b) Measures to mitigate vehicle collisions, including speed limits on the project site and the installation of relevant signage on roads and entry points to the project site noting the presence of Woylie and Chuditch. (c) The prohibition of pets and firearms on the project site. (d) Measures that ensures connectivity between the eastern and western areas of the project site. (e) Measures to maximize the rehabilitation of the "Proposed RDA", "WRD#1 0", "WRD#11" and "WRD#12" shown in Figure 1 prior to the expiry date of this approval by using <i>Gastrolobium</i> spp. shrubs in rehabilitation seed mixes. (f) Measures to control feral pigs, foxes and cats on the project site, including consideration where relevant of the Threat Abatement Plan for predation by European Red Fox (Commonwealth of Australia, 2008), the Threat Abatement Plan for predation by feral cats (Commonwealth of Australia, 2008), and the Threat Abatement Plan for predation, habitat degradation, competition and disease transmission by feral pigs (Commonwealth of Australia, 2005). (g) A requirement for all employees and contractors to report all observations of Woylie and/or Chuditch to the project site environmental department. The project site environmental department must report any incidents that result in death or injury to Woylie and/or Chuditch in the annual compliance report required by Condition 3. 	Compliant	The Terrestrial Fauna Management plan was submitted to DotEE in December 2014 and approved in January 2015. The document contains all requirements as specified within condition 12. No clearing action commenced prior to approval of the plan.
	13	The TFMP must be submitted to the Minister for approval at least three months prior to the commencement of the action. Construction must not occur until the TFMP has been approved by the Minister. The approved BCMP must be implemented.	Completed	The Terrestrial Fauna Management plan was submitted in December 2014 and approved on January 2015. No clearing action commenced prior to approval of the plan.

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Offsets	14	<p>To offset residual significant impacts as a result of the loss of 1,755 ha of Black Cockatoo, Woylie and Chuditch habitat the person taking the action must prepare and submit a Land Offset Plan (LOP) for approval by the Minister. The LOP must (but is not limited to):</p> <ul style="list-style-type: none"> (a) Include the identification, acquisition (if required) and timing of placement into a conservation covenant approved by the Government of Western Australia Department of Parks and Wildlife Nature Conservation Covenant Program of 2,000 ha of offset land that has vegetation in similar condition to the vegetation being impacted by the proposal. The offset land to be placed under a conservation covenant must contain: <ul style="list-style-type: none"> (i) Known foraging and breeding habitat for Carnaby's Black-Cockatoo (<i>Calyptorhynchus latirostris</i>) and Forest Red-tailed Black-Cockatoo (<i>Calyptorhynchus banksii naso</i>) and must be within six kilometres of permanent drinking water. (ii) Known foraging habitat for Baudin's Black-Cockatoo (<i>Calyptorhynchus baudinii</i>) and must be within six kilometres of permanent drinking water. (iii) Known habitat for Woylie. (iv) Known foraging and breeding habitat for Chuditch. (b) Include the identification, acquisition (if required) and timing of placement into a conservation covenant approved by the Government of Western Australia Department of Parks and Wildlife Nature Conservation Covenant Program of 470 ha of offset land that has vegetation that can be rehabilitated to similar condition to the vegetation being impacted by the proposal and must be in addition to the offset land required by condition 14 (a) above. (c) For offset lands requiring rehabilitation, the LOP must identify and detail improvement actions (including monitoring requirements and completion criteria) and a timeframe for the actions to be undertaken to improve the conditions of the land to a similar condition to the vegetation being impacted. (d) Ensure that parcels of land to be placed under a conservation covenant are a minimum of 90 ha in size (should more than one parcel of land be identified as part of the 2,470 ha to be placed under a conservation covenant). (e) Ensure that parcels of land to be placed under a conservation covenant are within 50 kilometres of the project site. (f) Detail funding arrangements and timing of funding for rehabilitation activities. 	In Progress	<p>NBG submitted a Land Offset Management Plan to DotEE in June 2015. NBG has approached DotEE regarding the potential to phase the clearing and associated offsets under EPBC 2012/6370.</p> <p>NBG and DotEE are currently in discussions regarding amended conditions to reflect this proposal – this will involve the development of an Offset Strategy and submission of a revised Land Offset Management Plan.</p>
	15	<p>The LOP must be submitted to the Minister for approval within one (1) year of the date of this approval. The LOP approved by the Minister must be implemented.</p>	In Progress	<p>Following agreement of the revision of conditions under EPBC 2012/6370, the Offset Strategy and revised Land Offset Management Plan will be submitted to the DotEE in 2017.</p>