

# HUNTER VALLEY OPERATIONS



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## **Enforceable Undertaking Annual Compliance Report**

1 January 2022 to 31 December 2022

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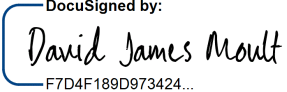
**Review:**

**Owner:** Environment & Community Coordinator

## HVO Enforceable Undertaking Annual Report 2021

**Declaration of accuracy**

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed  F7D4F189D973424...  
Full name (please print) David James Moulton

Position (please print) Director

Organisation (please print including ABN/ACN if applicable)  
Coal & Allied Operations Pty Limited (ABN 16 000 023 656)

Date 30 January 2023

Cover Photos: Rice flower (*Ozothamnus diosmifolius*) at Mitchelhill West.

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## HVO Enforceable Undertaking Annual Report 2021

# 1 Introduction

This Annual Report is a requirement of Condition 3(e) of the Enforceable Undertaking that was agreed to by Coal & Allied Operations Pty Ltd as of 3 November 2017 for activities undertaken at Hunter Valley Operations (HVO). Since the Enforceable Undertaking was signed, HVO has become a Joint Venture Operation between Yancoal (51%) and Glencore (49%). The HVO Joint Venture has appointed HV Operations Pty Limited as the manager of the joint venture, and HV Operations Pty Limited currently operates and manages HVO on behalf of the joint venture participants, being Coal & Allied Operations Pty Ltd (which is a subsidiary of Yancoal Australia Ltd and Anotero Pty Ltd (which is a subsidiary of Glencore Coal Pty Limited)).

With the change in the ownership structure at HVO, the implementation of the Enforceable Undertaking is being undertaken by HV Operations Pty Ltd on behalf of Coal & Allied Operations Pty Ltd.

The enforceable undertaking requires the submission of an annual report from December 2018 to December 2022. This report documents the implementation of the undertaking from January 2022 to December 2022 and provides a summary of the key management activities completed across the Mitchelhill Biodiversity Area (BA).

It should be noted that, while the enforceable undertaking relates to only 180.5 hectares of the total 378.77 hectares that comprise the two Mitchelhill properties, the management and monitoring actions in this report were undertaken across the whole BA and thus are reported in this Annual Report.

## 1.1 Background

Hunter Valley Operations is located at Lemington, approximately 24 kilometres northwest of Singleton in the Hunter Valley, NSW. Between May 2015 and December 2015, Coal & Allied inadvertently cleared vegetation that was later identified as the Central Hunter Valley Eucalypt Forest and Woodland ecological community (CHVEF) at HVO. This clearing was undertaken as part of pre-stripping operations in advance of the mining highwall, in an area approved by the State for mining (the action). On 24 December 2015, Coal & Allied notified the Department of Environment and Energy (DoEE) under Section 199 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) of this clearing.

Following discussions with the DoEE, it was agreed that, in lieu of prosecution, the Minister required compensation for the unlawful clearing of CHVEF in the form of an enforceable undertaking in accordance with Sections 486DA and 486DB of the EPBC Act.

Thus, without conceding that it had breached the EPBC Act or any other Act, but acknowledging that its activities had resulted in the loss of habitat for a nationally listed Critically Endangered Ecological Community, Coal & Allied was to commit to:

- a) Purchase from landowner of Mitchelhill (West and East), 180.5 ha to the value of no less than \$1 million for the establishment of an ecological offset for the CHVEF in accordance with the EPBC Act Environmental Offsets Policy (DSEWPaC) 2012a),
- b) Provision of no less than \$815,000 over no less than 5 years, for conservation and management of the offset,
- c) Provision of no less than \$220,500 for the purchase cost of land, re-establishment and maintenance of 31.5 ha of Derived Native Grassland at Mitchell Hill (West and East) with species consistent with CHVEF,
- d) Development of a Biodiversity Offset Management Plan for the offset and reestablishment area at Mitchell Hill (West and East), and
- e) Provision of an annual report to the Department documenting the implementation of the undertaking from December 2018 until December 2022.

The compliance with this undertaking is reported in the following sections.

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## 2 Mitchelhill Overview

The Mitchelhill Biodiversity Area comprises two sites, namely Mitchelhill (West) and Mitchelhill (East). The total area of the BA is 378.77 ha, 316.13 ha of which contains native vegetation. The 316.13 ha of native vegetation is comprised of the offset area (312.73 ha) and residual CHVEF (3.40 ha).

Mitchelhill (West) is approximately 5.6 km south-east of Muswellbrook, NSW (Figure1). Mitchelhill (East) is approximately 11.4 km south-east of Muswellbrook. Mitchelhill (West) is accessible from the New England Highway and Muscle Creek Road. Mitchelhill (East) is accessible from Muscle Creek Road and a number of private properties over which HVO has an access agreement.

Access to the BA is restricted and all entry gates are locked.

Mitchelhill (West) is located within the Sydney Basin Bioregion, while Mitchelhill (East) is on the border of the Sydney Basin and NSW North Coast Bioregions. The BA contributes to a south to north biodiversity corridor, extending south to Lake Liddell, Plashett Reservoir and HVO's Wandewoi BA. Biodiversity corridors are connected or stepping stones of existing native vegetation that provide connectivity at a landscape scale for flora and fauna. They are important in the ongoing conservation and protection of flora and fauna, as they enable migration, improve resilience to environmental and climatic variability and support genetic diversity. The BA is situated in the Muswellbrook local government area.

Parts of the BA have been previously cleared and disturbed for agriculture and cattle grazing (predominately in the western BA). Small ephemeral drainage lines are located throughout, and there are numerous small dams scattered throughout the area.

While the major land use in the vicinity of the BA is agricultural, a large portion of the land surrounding the Mitchelhill East BA is offset land for Glencore's coal mines in the Hunter Valley. As such, the Mitchelhill BA contributes to a significant intact landholding that is being managed for biodiversity conservation.

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### 3 Summary of Activities - 2022

Various conservation, monitoring, management and maintenance activities were undertaken throughout 2022. Monitoring activities were undertaken and the areas under rehabilitation were actively managed.

Works undertaken during the reporting period at Mitchelhill that included the area subject to the enforceable undertaking are outlined below.

**Table 1.** Overview of activities undertaken during the reporting period within the Mitchelhill Biodiversity Area containing land applicable to the Enforceable Undertaking.

Activity
<ul style="list-style-type: none"> <li>• vertebrate pest management,</li> <li>• weed management activities,</li> <li>• slashing boundaries, firebreaks, access tracks and around rehabilitation areas,</li> <li>• property inspections and status assessments,</li> <li>• bushfire assessment,</li> <li>• dog baiting.</li> </ul>
<p><b>Activities specific to the western BA:</b></p> <ul style="list-style-type: none"> <li>• pooled water drainage,</li> <li>• rear access track regrading and topdressing.</li> </ul>

## 4 Compliance with Undertaking

Table 2 **Error! Reference source not found.** outlines the actions undertaken by HVO in compliance with the Enforceable Undertaking.

For a detailed discussion of the methods and results of monitoring events, pest management activities and other activities outlined in Table 1, please refer to the HVO 2022 EPBC 2016-7640 Compliance Report at the HVO In-site public webpage: <https://insite.hvo.com.au/document-library/compliance-reporting>

**Table 2.** Summary of HVO's compliance with the requirements of the Enforceable Undertaking.

Commitment	Compliance status	Evidence/Comments
Purchase from landowner of Mitchell Hill (West and East) of 180.5 ha to the value of no less than \$1 million for the establishment of an ecological offset for the CHVEF in accordance with the EPBC Act Environmental Offsets Policy	Compliant	The Mitchelhill Biodiversity Area was purchased in 2017. The two sites, East and West, total 378.77 ha. The value of the 180.5 ha required by the Undertaking equates to approximately \$1 million.
Provision of no less than \$815,000 over no less than 5 years, for conservation and management of the offset.	Compliant	<p>Management actions to conserve and develop CHVEF and bird habitat within the Mitchelhill BA is being undertaken according to the management plan reviewed by the DCCEEW. This Annual Report documents the actions undertaken during 2022.</p> <p>A summary of expenditure outlined in this report includes:</p> <ul style="list-style-type: none"> <li>Vertebrate pest management: \$7,332</li> <li>Weed management: \$14,250</li> <li>Boundary and track slashing maintenance: \$5,320</li> <li>Routine Property Inspections: \$6,000</li> <li>Rapid Condition Assessments: \$2,200</li> <li>Bushfire assessments: \$1,500</li> <li>Access road repair: \$33,500</li> </ul> <p>2022 Total: \$70,102 Total all years: \$432,536</p>

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Provision of no less than \$220,500 for the purchase cost of land, re-establishment and maintenance of 31.5 ha of Derived Native Grassland at Mitchell Hill (West and East) with species consistent with CHVEF.	Compliant	The 31.5 ha occurs within the larger 378 hectare property at Mitchelhill and equates to a purchase price of approximately \$174,000.  The remaining \$46,500 was allocated to re-establishment and maintenance of the 31.5 ha. Works undertaken in 2018 and 2019 exceeded this amount with a total of \$98,711 being spent. Additional costs were incurred in 2020 and 2021 in the rehabilitation and maintenance of the CHVEF plantings but this condition is considered to be satisfied without including those additional costs.
Development of a Biodiversity Offset Management Plan for the offset and reestablishment area at Mitchell Hill (West and East).	Compliant	A Biodiversity Areas Offset Management Plan that includes the Mitchelhill offset and reestablishment areas has been developed and submitted to DCCEEW for approval. The current draft management plan builds on the plan that was reviewed by the Department and submitted on 31/10/2019. Feedback has been provided during 2022 and the final document will be submitted in Q1 2023.
Provision of an annual report to the Department documenting the implementation of the undertaking from December 2018 until December 2022.	Compliant	This report documents compliance with the undertaking up to December 2022. Previous reports have been provided for 2018, 2019, 2020 and 2021.

## 5 Conclusion

Coal & Allied Operations Pty Limited is compliant with all aspects of the Enforceable Undertaking.