



Approval

Foxleigh Coal Mine Extension, Middlemount, Qld (EPBC No 2010/5421)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Anglo Coal (Foxleigh) Pty Ltd

proponent's ACN (if applicable) 125 986 549

proposed action To extend the existing open cut Foxleigh Coal Mine, south of Middlemount, Central Queensland, and as described in the referral received under the EPBC Act on 29 March 2010.

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 November 2034

Decision-maker

name and position Deb Callister
Assistant Secretary
Queensland and Sea Dumping Assessment Branch

Signature

Date

15 April 2014

Conditions attached to the approval

Project area

1. The *project area* is the area designated as "Foxleigh Plains MLA" on Attachment A which includes areas contained within mine lease applications (MLA) 70429, 70430 and 70431.
2. The **approval holder** must not clear outside of the *project area*.

Disturbance limits

3. The **approval holder** must not clear more than 83.7 hectares of **Brigalow (*Acacia harpophylla* dominant and co-dominant)** ecological community or 181 hectares of **Squatter Pigeon primary habitat** within the *project area*.

Offsets

Offset Management Plan

4. To compensate for authorised unavoidable **impacts** on **MNES** (see condition 3), the **approval holder** must submit an *Offset management plan* to the **Minister** for approval. The approval holder must not impact upon MNES (shown in Attachment B) until the **Minister** has approved the *Offset management plan* in writing. The approved *Offset management plan* must be implemented.
5. The *Offset management plan* must include, but not be limited to, the following information:
 - a) details of the **offset attributes** (including maps in electronic Geographic Information System (GIS) format with accompanying **shapefiles**), site descriptions, environmental values relevant to **MNES**, connectivity with other **habitat** and biodiversity corridors, a rehabilitation program, and conservation and management measures for long-term protection;
 - b) a detailed survey and description of the offset site to clearly identify baseline conditions, establish performance indicators and discuss methods for adaptive management. This must include but not be limited to:
 - i. a description (prior to any management activities, hence a baseline) of the current condition of the extant vegetation of each offset area. location of survey points (GPS reference);
 - ii. the quantity of habitat for **EPBC Act listed species or communities** (in hectares), found within each offset area;
 - iii. the **condition class** of habitat for **EPBC Act listed species or communities** found within each offset area;
 - iv. vegetation condition mapping;
 - v. photo reference points;
 - vi. **tree age class** representation;
 - vii. percentage tree canopy cover;
 - viii. number of native plant species in ground layer;
 - ix. percentage of native and foreign grass cover and whether the grass species are annual or perennial ;
 - x. description of fauna **habitat** including condition, type and connectivity; and
 - xi. bird and reptile surveys.

- c) plans to improve upon the baseline condition of **Squatter Pigeon primary habitat** and **Brigalow listed ecological community** consistent with EPBC listing advice. These plans must include:
- i. a map showing areas to be managed;
 - ii. management actions for each area and details of methods to be used. These must include:
 - a. actions consistent with objectives stated in **relevant threat abatement plans**; and
 - b. weed control measures to reduce/control the presence of foreign perennial weeds within **Brigalow listed ecological community** or **Squatter Pigeon primary habitat** to below 25% of the total groundcover.
 - iii. timing of management activity for each area;
 - iv. performance criteria for each area;
 - v. a set of measurable ecological indicators for detecting changes to the Brigalow listed ecological community that may be ascribed to water stress relating to mining activities listed in the *offset management plan*;
 - vi. a monitoring plan to assess the success of the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the **Brigalow listed ecological community** or **Squatter Pigeon primary habitat**. This should include, but not be limited to, control sites and periodic ecological surveys to be undertaken by a **qualified ecologist**;
 - vii. a description of the potential risks to successful management against the performance criteria, and a description of the contingency measures that would be implemented to mitigate these risks;
 - viii. a process to report to the **Department**, the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement; and
 - ix. details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor; and
- d) a completed **offsets assessment guide** for the proposed offset site and a discussion as to how figures used to complete the **offsets assessment guide** were derived.

Mechanism to secure offsets

6. The **approval holder** must, within 2 years of commencement of construction (or as required under relevant Queensland legislation, whichever is earlier), register a legally binding conservation mechanism over the offset areas approved by the **Minister** in the *Offset management plan*, described in condition 4.
7. The conservation mechanism, listed in condition 6, must provide protection in perpetuity for the MNES protected by this approval within the offset area and be registered within 2 years of the date of this approval. This condition does not prohibit the **Minister** from approving an alternate offset area in accordance with condition 8.
8. If the **approval holder** or another **person** proposes to undertake any action within areas secured under condition 6, other than those activities described in the *Offset management plan*, then approval to undertake that action must be obtained in writing from the **Minister**. In seeking the **Minister's** approval, the person undertaking the action must provide a detailed assessment of the area where the action is proposed to take place and an assessment of all associated adverse impacts on matters of national environmental significance. If the **Minister** agrees to the action within the offset areas, the areas identified for the action must be excised from the proposed offset area and alternative offsets secured by the **approval holder**. Any alternative

offset area must be secured in a timeframe agreed by the **Minister** in writing and must be secured under a conservation mechanism that provides protection in perpetuity for the MNES relevant to this approval within the alternative offset area.

Groundwater Monitoring and Management Plan

Groundwater Monitoring and Management Plan

9. The approval holder must submit a Groundwater Monitoring and Management Plan (GMMP) for the **Minister's** approval. The approved GMMP must be implemented.
10. The GMMP must include information provided in the Groundwater Monitoring Plan required in Queensland Environment Approval (EPML00744813). The GMMP must also:
 - a) include groundwater quality triggers and limits as defined in the Queensland Environmental Approval;
 - b) detail a monitoring program (including monitoring locations, parameters to be measured and monitoring frequency) that will enable groundwater drawdown and changes in groundwater quality to be measured. This program must also enable identification of local and regional cumulative impacts where groundwater impacts associated with this project can be attributed;
 - c) discuss what risk based threshold responses the **approval holder** will take and the timeframes in which those actions will be undertaken if groundwater quality triggers and limits are exceeded or likely to be exceeded;
 - d) provide commitments, including timeframes, to periodically review and update the **numerical groundwater model** once 2 years, 5 years and 10 years (or sooner if required) of groundwater monitoring data is available;
 - e) how outcomes of the updated **numerical groundwater model** will be used to update the GMMP;
 - f) demonstrate commitments to working with other groundwater users within the footprint of predicted groundwater impacts for this project to create a better understanding of the water balance in the region; and
 - g) include provisions to make groundwater monitoring results publicly available on the **approval holder's** website. The results must include:
 - i. the methods used to collect data;
 - ii. the assumptions and uncertainties that were incorporated into the **numerical groundwater model**; and
 - iii. a discussion of the results and how groundwater is being impacted locally and regionally.

Note 1: To ensure efficiency the approval holder may prepare and align the plan required under these conditions with the requirements of the Queensland Government, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

11. The GMMP must be peer reviewed by a **suitably qualified expert** who must be approved by the **Minister** in writing. The peer review must be submitted to the **Minister** at the same time the GMMP is submitted to the **Minister** for approval.
12. The **approval holder** must not **substantially commence the action** until the GMMP has been approved by the **Minister** in writing.

Exceedence of groundwater quality limits

13. The **approval holder** must:
 - a) report exceedances of groundwater quality triggers and limits to the **Department** within 10 business days of the monitored exceedance; and

- b) provide written advice to the **Department**, within 90 calendar days of the occurrence of the monitored exceedance, stating the direct cause of, and the actions taken in response to, the exceedance and management responses.

General

14. Within 14 days after the **commencement of construction**, the **approval holder** must advise the **Department** in writing of the actual date of **commencement of construction**.
15. Within 3 months of every 12 months anniversary of the **commencement of construction**, or by the 31st of March of each year the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions. 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. The **approval holder** must also notify any non-compliance with this approval to the **Department** in writing within 2 business days of becoming aware of the non-compliance.
16. Upon the direction of the **Minister**, the **approval holder** 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**.
17. If the **approval holder** wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. The **Minister** will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised plan that plan must be implemented in place of the plan originally approved.
18. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the **Minister** may request that the **approval holder** make specified revisions to the management plan specified in the conditions and submit the revised plan for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved plan must be implemented. Unless the **Minister** has approved the revised plan then the **approval holder** must continue to implement the originally approved plan, as specified in the conditions.
19. If, at any time after 5 years from the date of this approval, the **approval holder** has not **substantially commenced the action**, then the **approval holder** the action must not **substantially commence the action** without the written agreement of the **Minister**.
20. The **approval holder** must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above 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.
21. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.

Definitions

Approval holder: means the person to whom the approval is granted.

Brigalow (*Acacia harpophylla* dominant and co-dominant): means the threatened ecological community listed under the **EPBC Act**.

Brigalow listed ecological community: includes patches of **brigalow (*Acacia harpophylla* dominant and co-dominant)**:

- a) that are at least 0.5 hectares in size; and
- b) where regrowth is at least 15 years old.

Condition class: refers to a classification of the quality of habitat for **EPBC Act listed species or communities** and what environmental elements define those classes. The classes must consider information available on the Department's Species Profile and Threats Database (SPRAT).

Commencement of construction: means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure.

Department: the Australian Government department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act: means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Offsets Policy: means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012) or any subsequent revisions.

EPBC Act listed species or community/ies: means a threatened species or community, or a migratory species listed under the **EPBC Act**.

Habitat: has the definition assigned to it in section 528 of the **EPBC Act**.

Impact/s/ed: has the definition assigned to it in section 527E of the **EPBC Act**.

Minister - the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

Matters of National Environmental Significance/ MNES: means matters of national environmental significance, being the relevant matters protected under Part 3 of the **EPBC Act**.

Numerical groundwater model: means any computational method that represents an approximation of an underground water system that simulates hydraulic heads (and watertable elevations in the case of unconfined aquifers) and groundwater flow rates within and across the boundaries of the system under consideration.

Offset attributes: means an '.xls' file capturing relevant attributes of the Offset property/properties, including the **EPBC Act** reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act** protected matters that the offset compensates for, any additional **EPBC Act MNES** that are benefiting from the offset, and the size of the offset in hectares.

Offsets assessment guide: refers to the offsets assessment guide which accompanies the offsets policy. This guide is available on the **Department's** website and has been developed to give effect to the policy's requirements, utilising a balance sheet approach to quantify impacts and offsets.

Person: means a human being, a business entity (including sole trader) or corporation.

Qualified ecologist: means a person who has professional qualifications, training, skills or experience related to ecology and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relative protocols, standards, methods or literature.

Relevant threat abatement plans refers to the *Threat abatement plans* for:

- a) *Predation by feral cats* (Department of the Environment, Water, Heritage and the Arts, 2008);

- b) *Predation by European red fox* (Department of the Environment, Water, Heritage and the Arts, 2008);
- c) *Competition and land degradation by unmanaged goats* (Department of the Environment, Water, Heritage and the Arts, 2008);
- d) *Predation, habitat degradation, competition and disease transmission by feral pigs* (Department of the Environment and Heritage, 2005); and
- e) *Competition and land degradation by rabbits* (Department of the Environment, Water, Heritage and the Arts, 2008).

Shapefiles: means an ESRI Shapefiles containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC Act MNES present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.

Squatter Pigeon: means the Squatter Pigeon (Southern) (*Geophaps scripta scripta*), listed as a threatened species under the EPBC Act.

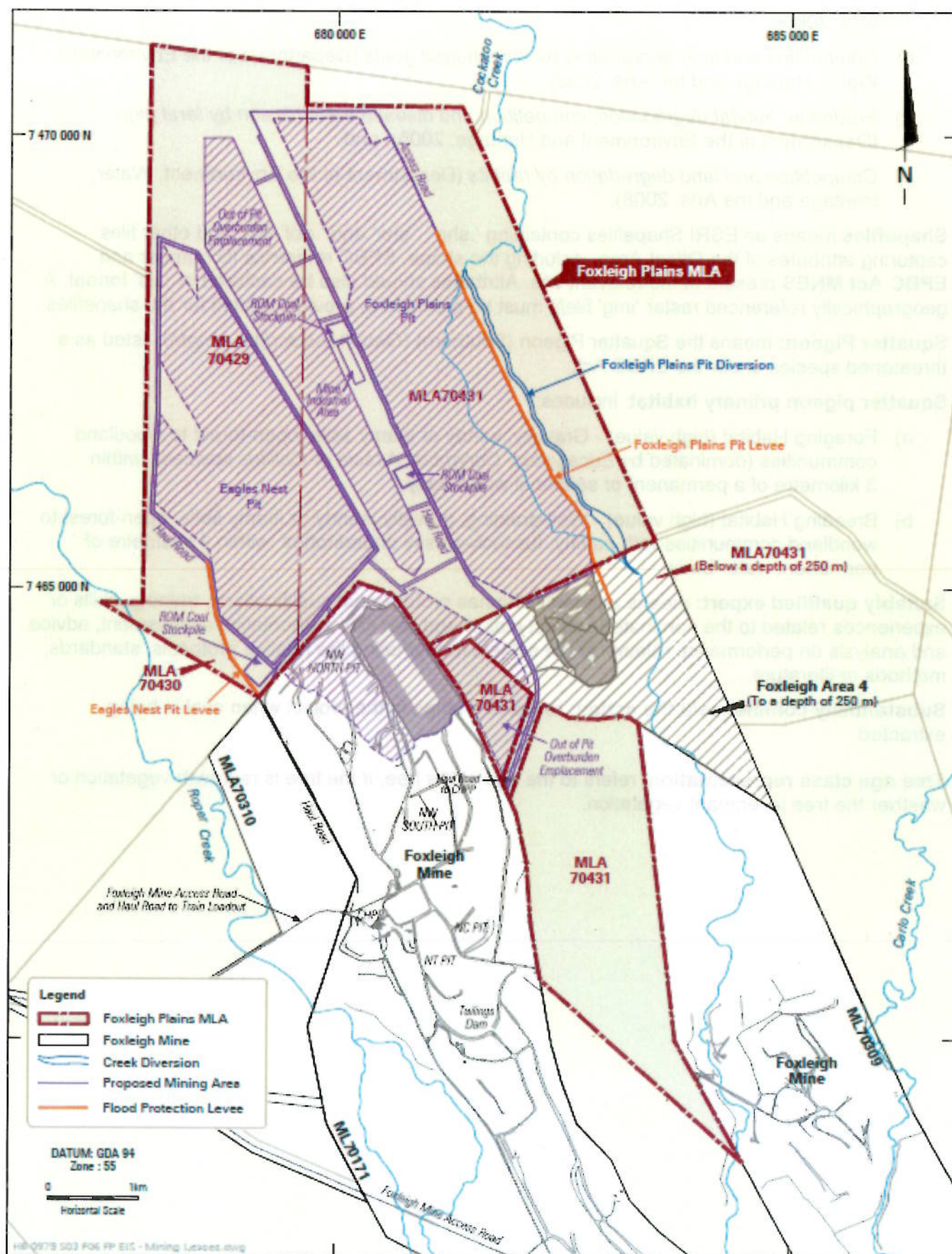
Squatter pigeon primary habitat: includes:

- a) Foraging Habitat (high value) - Gravelly, sandy or loamy soils, open-forest to woodland communities (dominated by *Eucalyptus*, *Corymbia*, *Acacia* or *Callitris* species), within 3 kilometre of a permanent or seasonal water body.
- b) Breeding Habitat (high value) - Well-draining, gravelly, sandy or loamy soils, open-forest to woodland communities with patchy, tussock-grassy understories, within 1 kilometre of permanent water body.

Suitably qualified expert: means a person who has professional qualifications, training, skills or experiences related to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relative protocols, standards, methods or literature.

Substantially commence/d the action: refers to a stage in the project when coal is being extracted.

Tree age class representation: refers to the age of the tree, if the tree is regrowth vegetation or whether the tree is remnant vegetation.



FOXLEIGH PLAINS PROJECT

