



Approval

Byerwen Coal Project, 20 kilometres west of Glenden, Queensland (2010/5778)

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 Byerwen Coal Pty Limited

proponent's ACN 133 357 632

proposed action To develop and operate an open-cut coal mine and associated infrastructure, located approximately 20 km west of Glenden in Queensland [see EPBC Act referral 2010/5778].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species and communities (sections 20 & 20A)	Approve
A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)	Approve

Proposed conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 October 2044.

Decision-maker

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

Signature

Date of decision

2 October 2014

Conditions attached to the approval

- 1) The **project area** is the area designated at Attachments A1 and A2 covering six mining lease applications (MLA) 10355, 10356, 10357, 70434, 70435, 70436.
- 2) For the purposes of the action, **approval holder** must not clear outside the project area.

Disturbance limits

- 3) The **approval holder** must not clear more than:
 - a) 650 hectares of primary habitat for the Squatter Pigeon (southern)
 - b) 908 hectares of primary habitat for the Ornamental Snake
 - c) 1115 hectares of primary habitat for the Black-throated Finch (southern)
 - d) 358 hectares of Brigalow (*Acacia harpophylla* dominant and co-dominant)
 - e) 179 hectares of Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin
 - f) 109 hectares of Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions
- 4) If the disturbance limits stated in Condition 3 of this approval are predicted to be exceeded, the **approval holder** must contact the **Department** in writing 20 business days before reaching the disturbance limit and provide for the Minister's approval:
 - a) the actual and predicted amount of disturbance in hectares for each EPBC Act listed species and community
 - b) justification why the approved disturbance limits require increasing, alternatives, and proposed actions to avoid, mitigate and manage impacts
 - c) an assessment of the impact and residual impact to the EPBC Act listed species or community in accordance with the **EPBC Act Significant Impact Guidelines**
 - d) a proposal to offset additional impacts to EPBC Act listed species and communities in accordance with the **EPBC Act Environmental Offsets Policy** in force at the time.

Biodiversity Offset Management Plan

- 5) The **approval holder** must submit a Biodiversity Offset Management Plan (BOMP) to the **Department** for the **Minister's** approval, outlining how offsets to address the residual impacts to *Brigalow (Acacia harpophylla* dominant and co-dominant, *Semi-evergreen Vine Thickets of the Brigalow Belt (North and South)* and *Nandewar Bioregions*, *Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin*, the Ornamental Snake (*Denisonia maculata*) and the Squatter pigeon (southern) (*Geophaps scripta scripta*), will be managed. The approved BOMP must be implemented.
- 6) The BOMP must be submitted for approval within twelve months after the commencement of construction. Clearing of EPBC Act listed species and communities must not occur until the BOMP is approved by the **Minister** in writing.
- 7) The BOMP must include, but is not limited to:
 - a) maps of the offset area/s inclusive of the distribution and extent (in hectares) of the EPBC Act listed species and communities to be offset in electronic Geographic Information System format
 - b) evidence that the offsets are consistent with the **Department's Environmental Offsets Policy** (October 2012)
 - c) details of how the offset area/s have been or will be legally secured to provide long-term protection

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- d) detailed on-ground surveys, complying with relevant survey guidelines, and description of the baseline condition, attributes and values of the offset area/s with respect to EPBC Act listed species and communities
 - e) management measures (including timing, frequency and longevity) for each of the EPBC Act listed species and communities and other vegetation within the offset area/s with written evidence of input from a suitably qualified expert who has relevant expertise in the management of native vegetation of the Bowen Basin
 - f) details of how the management measures align with the relevant Conservation Advice, Recovery Plans and Threat Abatement Plans for the EPBC Act listed species and communities to be offset
 - g) discussion of connectivity of the offset area/s with other habitats and biodiversity corridors
 - h) a description of the risks to the successful implementation of the BOMP, including mitigation measures and residual risk ratings
 - i) a monitoring program for the offset area/s which must:
 - i) clearly set out performance indicators and milestones
 - ii) detail how the success of the management measures against the performance indicators and milestones will be measured, recorded and reported
 - iii) include monitoring scope and parameters, timing, frequency, triggers and corrective actions
 - iv) detail how adaptive management strategies will be incorporated
 - v) outline how compliance will be reported
 - vi) detail who will be undertaking monitoring, reporting, review, and implementation of the BOMP (if this person is not the **approval holder**).
- 8) The BOMP must be updated, within a timeframe specified by the **Minister**, to include any changes to the offsets approved by the **Minister**. Updates must be consistent with the requirements in Condition 7.
- 9) The **approval holder** must, within two years of the commencement of construction (or as required under relevant Queensland legislation), register a legally binding conservation mechanism to provide long-term protection to the offset area/s approved by the **Minister** in the BOMP.

Note 1: To ensure efficiency the **approval holder** may prepare and align the BOMP required under the conditions of approval with the requirements of the Biodiversity Offset Strategy required under the Queensland Environmental Authority, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

Groundwater Monitoring and Management Plan

- 10) The **approval holder** must submit a Groundwater Monitoring and Management Plan (GMMP) to the **Department** for the **Minister's** approval. The approved GMMP must be implemented.
- 11) The GMMP must be approved by the Minister in writing prior to the commencement of dewatering activities in the mining pits detailed in Chapter 3 of the Environmental Management Plan.
- 12) The GMMP must include, but is not limited to:
 - a) the groundwater quality and/or level triggers as described in the Queensland Environmental Authority in force at the time
 - b) a detailed description of the actions, including timeframes, the **approval holder** will take if groundwater quality and level triggers are exceeded or predicted to be exceeded

- c) a strategy to conduct a landholder bore survey to determine water supply bores and water users in the vicinity of the project that may be impacted by mining activities and the potential to incorporate those bores into the groundwater monitoring program
- d) details of how the existing groundwater monitoring program will be expanded to better determine surface water/groundwater interaction, including monitoring locations, parameters to be measured, monitoring frequency and reporting requirements
- e) a groundwater model to simulate and quantify groundwater drawdown extent and flow impacts on the Suttor River, and validate the assumptions and potential risks and impacts of the project on groundwater resources identified in the EIS documents. The model must be developed with reference to the *National Water Commission Groundwater Modelling Guidelines* and must include a monitoring strategy to validate the model.
- f) the methods, frequency and timeframes in which the GMMP and groundwater model will be reviewed.

Note 1: The **Minister** may by written request, require the GMMP be reviewed by a suitably qualified expert. Following any review, the GMMP must be revised and updated accordingly and submitted to the Minister for approval.

Note 2: The GMMP does not need to be submitted for an early works bulk sample pit.

Note 3: To ensure efficiency the **approval holder** may prepare and align the GMMP required under the conditions of approval with the requirements of the groundwater monitoring program required under the Queensland Environmental Authority, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

Groundwater quality and levels

- 13) The **approval holder** must notify the **Department** in writing within 10 business days if the groundwater quality and/or trigger levels referred to in Condition 12 of this approval are exceeded and the results of required investigations indicate the exceedence is a result of mining activities. If requested, the **approval holder** must provide copies of any exceedence investigation documents to the **Department** in a timeframe agreed in writing by the **Department**, which state the cause, response and actions undertaken to prevent further occurrences.

General

- 14) Within 20 business days after the commencement of construction, the approval holder must advise the **Department** in writing of the actual date of the commencement of construction.
- 15) The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans, strategies, reports 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.
- 16) Within 60 business days of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans, strategies, reports 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 compliance reports must remain on the website for the period the approval has effect.
- 17) Potential or actual contraventions of the conditions of approval must be reported to the

Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention unless otherwise stated. All contraventions must be included in the compliance reports.

- 18) 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**.
- 19) If the approval holder wishes to carry out any activity otherwise than in accordance with the management plans, strategies, reports as specified in the conditions, the approval holder must submit to the **Department** for the **Minister's** approval a revised version of that management plan, strategy, report. The varied activity shall not commence until the **Minister** has approved the varied management plan, strategy, report in writing. If the **Minister** approves the revised management plan, strategy, report, that management plan, strategy, report must be implemented in place of the management plan, strategy, report originally approved.
- 20) If the **Minister** believes that it is necessary or convenient for the better protection of EPBC Act listed species and communities or a water resource to do so, the **Minister** may request that the approval holder make specified revisions to the management plans, strategies, reports specified in the conditions and submit the revised management plans, strategies, reports for the **Minister's** written approval. The approval holder must comply with any such request. The revised approved management plans, strategies, reports must be implemented. Unless the **Minister** has approved the revised management plans, strategies, reports, then the approval holder must continue to implement the management plans, strategies, reports originally approved, as specified in the conditions.
- 21) If, at any time after five years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the **Minister**.
- 22) Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans, strategies, reports referred to in these conditions of approval on their website. Each management plan, strategy, report must be published on the website within 20 business days of being approved. The **approval holder** must notify the **Department** with five business days of publishing the management plan, strategy, report on their website and the management plan, strategy, report must remain on the website for the period the approval has effect.

Definitions

Approval holder: person to whom the approval is granted.

Business days: measured in Queensland in relation to the doing of any action, any day other than a Saturday, Sunday or public holiday.

Commencement of construction: any preparatory works required to be undertaken including clearing vegetation, the erection of any on-site temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure. Commencement of construction does not include an early works bulk sample pit.

Department: the Australian Government Department administering the **EPBC Act**.

Early works bulk sample pit: a single coal mining pit, 20 hectares in size for extraction of a bulk sample of a maximum of 550,000 tonnes of coal.

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

EPBC Act Environmental Offsets Policy: the *EPBC Act Environmental Offsets Policy* (October 2012).

EPBC Act listed species and/or community/ies: threatened species or ecological communities listed under the **EPBC Act**.

EPBC Act Significant Impact Guidelines: the Matters of National Environmental Significance, Significant Impact Guidelines 1.1, *Environment Protection and Biodiversity Conservation Act 1999*.

Minister: the Minister administering the EPBC Act and includes a delegate of the Minister.

Project Area: The project area is the area designated at Attachments A1 and A2 covering the project site and surrounds and is located within the existing six mining lease applications (MLA) 10355, 10356, 10357, 70434, 70435, 70436 are held by Byerwen Coal Pty Limited.

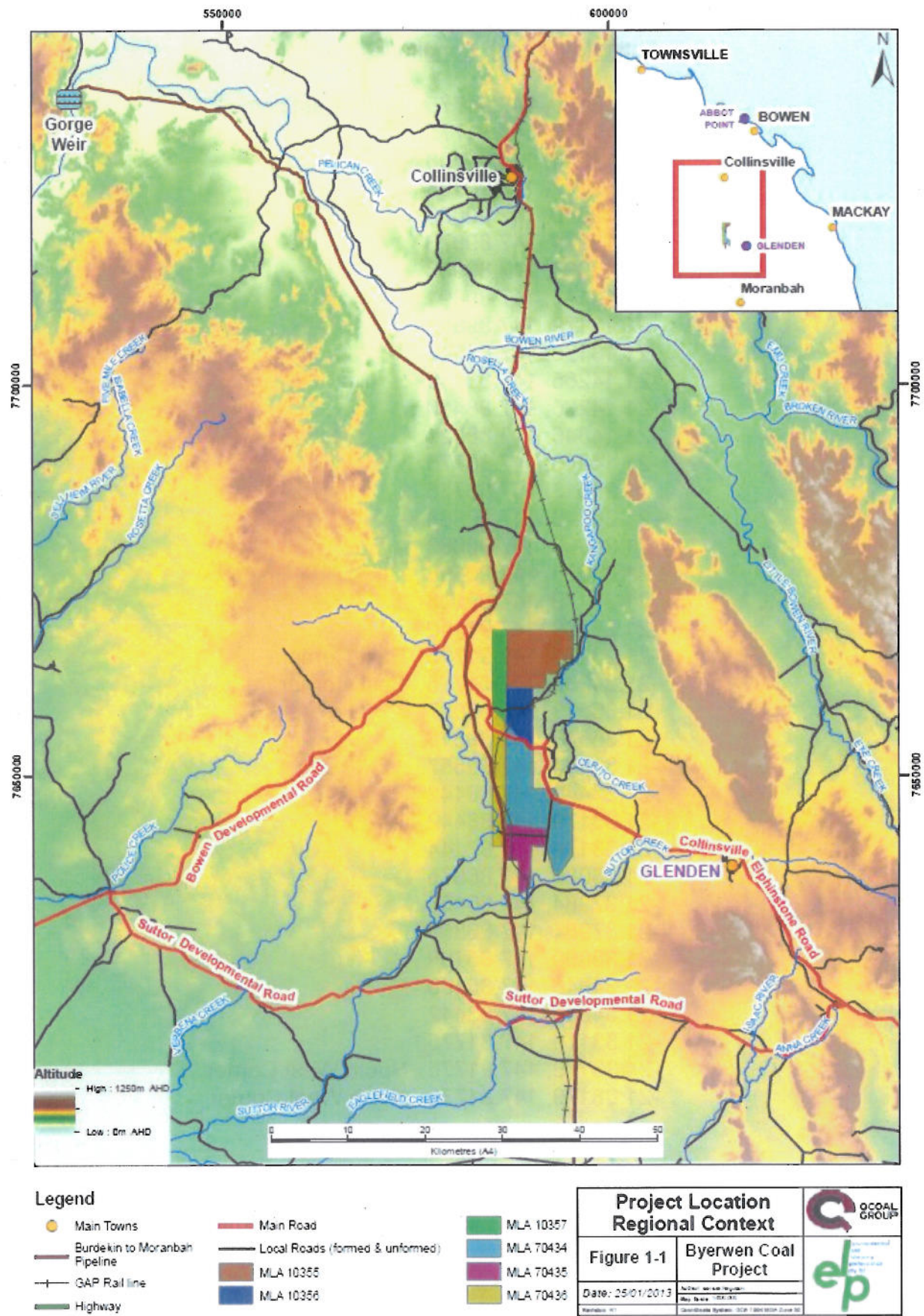
Queensland Environmental Authority: the Environmental Authority (Mining Lease) issued by the Queensland Government under the *State Development and Public Works Organisation Act 1971* for Byerwen Coal Pty Limited.

Substantially commenced: the extraction of coal from the **project area** for the purpose of commercial production. Substantially commenced does not include test extraction or extraction of coal samples for quality assurance prior to commercial production.

Survey Guidelines:

Survey guidelines for Australia's threatened birds, Guidelines for detecting birds listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*

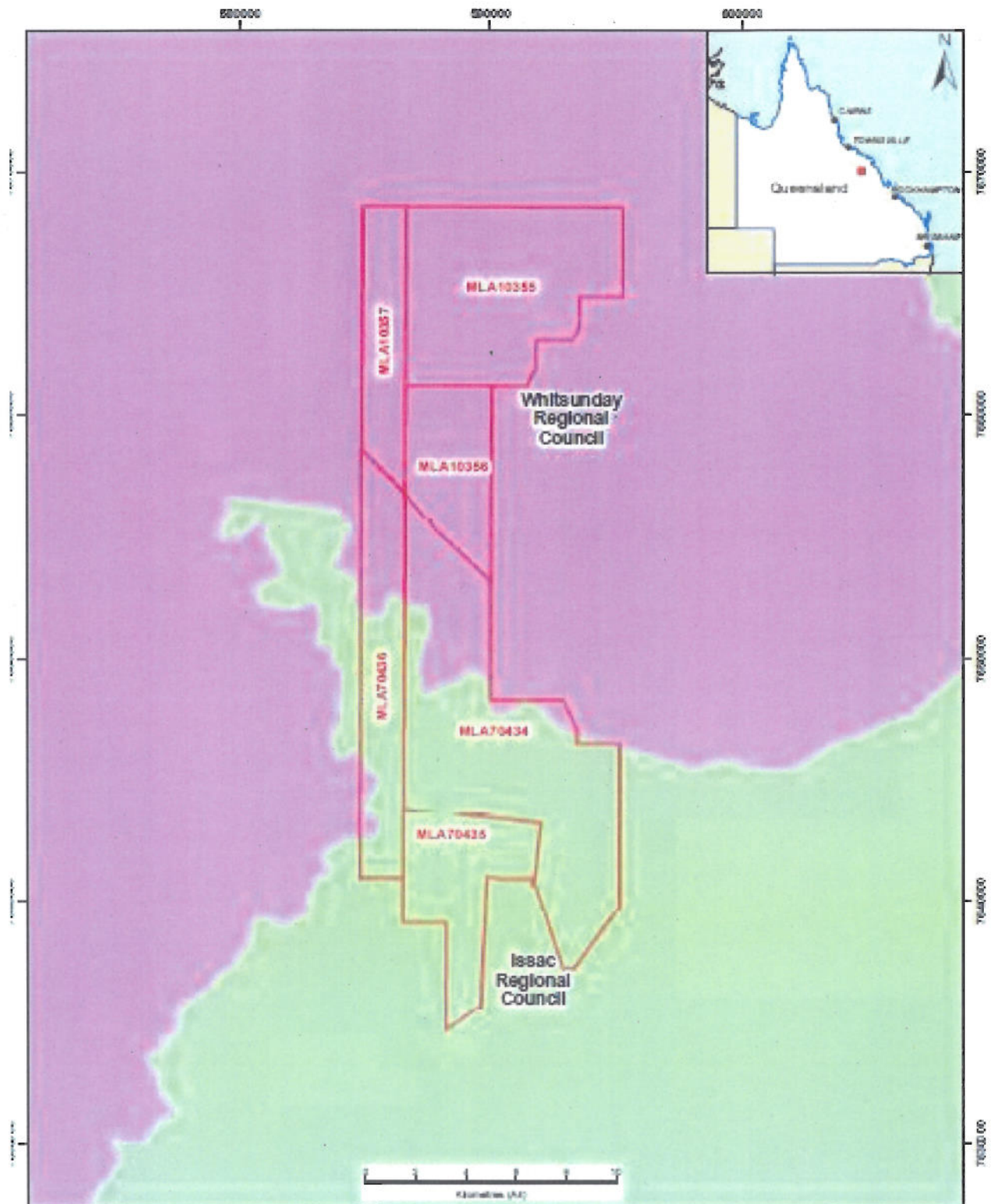
Survey guidelines for Australia's threatened reptiles, Guidelines for detecting reptiles listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*



Latitude and Longitude of Mining Leases



Latitude (South), Longitude (East)

-21.08180, 147.91775	North East corner
-21.11513, 147.91775	
-21.11513, 147.90108	
-21.12757, 147.90108	
-21.12840, 147.90053	
-21.12974, 147.89976	
-21.13064, 147.89938	
-21.13147, 147.89891	
-21.13179, 147.89881	
-21.13179, 147.88442	
-21.14265, 147.88442	
-21.14276, 147.88410	
-21.14846, 147.88121	
-21.14846, 147.86775	
-21.26513, 147.86775	
-21.26513, 147.89588	
-21.27683, 147.90083	
-21.27683, 147.90108	
-21.28179, 147.90108	
-21.28179, 147.91140	
-21.28179, 147.91775	East Corner
-21.34230, 147.91775	East Corner
-21.36513, 147.90037	
-21.36513, 147.89618	
-21.33464, 147.88557	
-21.33440, 147.88442	
-21.33179, 147.88442	
-21.33179, 147.87144	
-21.33085, 147.86675	
-21.37984, 147.86456	
-21.37984, 147.86359	
-21.38860, 147.85109	
-21.34846, 147.85109	
-21.34846, 147.83442	
-21.33179, 147.81775	
-21.33179, 147.81775	South West Corner
-21.08179, 147.81775	North West Corner



Legend

- Mining Lease Boundaries
- Isaac Regional Council
- Whitsunday Regional Council

Project Mining Leases and Local Government Boundaries		 
Figure 1-2	Byerwen Coal Project	
Date: 25/01/2013	Author: [illegible]	
Revision: 01	Map Scale: 1:100,000	
<small> This map is for informational purposes only and does not constitute a contract. The map is subject to change without notice. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared. </small>		