



Australian Government
Department of the Environment

Approval

Drake Coal Project, Collinsville, Queensland (EPBC 2010/5457)

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 Drake Coal Pty Ltd

proponent's ACN (if applicable) 138 221 600

proposed action To develop and operate an open-cut coal mine, and associated infrastructure, located approximately 17 km south of Collinsville, in north Queensland [see EPBC Act referral 2010/5457].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	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 31 December 2044.

Decision-maker

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

signature

date of decision

22 April 2014

Conditions attached to the approval

- 1) The **project area** is the area designated at Attachment A covering three Mining Lease Applications (MLA) 10349, 10350 and 10351.
- 2) For the purpose of the action, the **approval holder** must not clear outside the **project area**.

Disturbance limits

- 3) The **approval holder** must not clear more than:
 - a) 176.5 hectares of **primary habitat** for the **Squatter Pigeon (southern)**
 - b) 8.9 hectares of **Brigalow (*Acacia harpophylla* dominant and co-dominant)**
 - c) 2.3 hectares of **Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin**.
- 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**.

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 the **Squatter Pigeon (southern)**, **Brigalow (*Acacia harpophylla* dominant and co-dominant)** and **Ornamental Snake** 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 have been calculated and comply with the requirements of the **EPBC Act Environmental Offsets Policy**
 - c) details of how the offset area/s have been or will be legally secured to provide long-term protection
 - 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 depicted in Figure 3 of the **Environmental Management Plan**.
- 12) The GMMP must include, but is not limited to:
 - a) the groundwater quality and level triggers as described in Schedule E of the **Queensland Environmental Authority**
 - b) a detailed description of the actions, including timeframes, the **approval holder** will take if groundwater quality and or level triggers (referred to in Condition 12a of this approval) 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 numerical groundwater model to simulate and quantify groundwater drawdown extent and flow impacts on the Bowen River, and validate the assumptions and potential risks and impacts of the project on groundwater resources identified in the Environmental Impact Statement 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 numerical groundwater model will be reviewed.
- 13) 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: 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

- 14) The **approval holder** must notify the **Department** in writing within 10 **business days** if the groundwater quality and or level triggers referred to in Condition 12a of this approval are exceeded, and if requested, provide copies of any exceedance 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

- 15) 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**.
- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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**.
- 20) 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.
- 21) 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.

- 22) 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**.
- 23) 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.

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

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 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 administering the **EPBC Act**.

Environmental Management Plan: the Drake Coal Project Environmental Management Plan, September 2013.

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.

Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin: the threatened ecological community listed under the **EPBC Act**.

Ornamental Snake: the Ornamental Snake (*Denisonia maculata*), listed as a threatened species under the **EPBC Act**.

Primary habitat (Squatter Pigeon (southern)): open *Eucalyptus* spp. and *Corymbia* spp. dominated woodland (Regional Ecosystems 11.3.30 / 11.3.9 / 11.3.7 / 11.3.4 in mixed polygon) adjacent to and within three kilometres of the Bowen River within the **project area**.

Project area: the area defined in Condition 1 of this approval as the project area.

Queensland Environmental Authority: the Environmental Authority (EPML00393013) issued by the Queensland Government under the *Environment Protection Act 1994* for Drake Coal Pty Ltd.

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

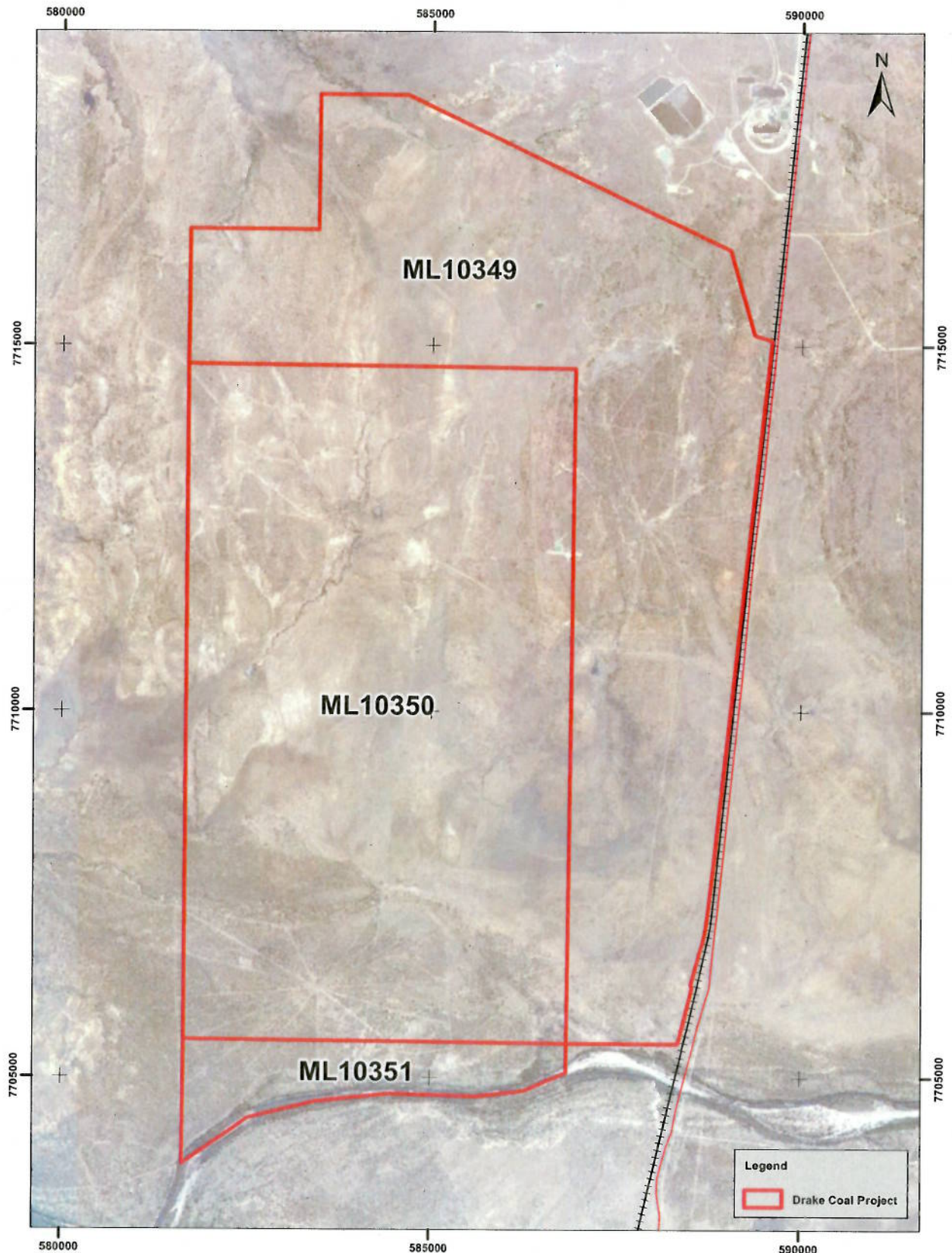
Substantially commence/d: the extraction of coal from the **project area** for the purpose of commercial production. Substantially commenced does not include test extraction or extraction of coal samples for quality assurance prior to commercial production.

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

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*



Date: 17/03/2014
 Coordinate System: GDA 1994 MGA Zone 55
 Projection: Transverse Mercator
 Datum: GDA 1994
 Data sources:
 Google Earth Pro Image © 2011 DigitalGlobe © 2011 Cnes/Spot Image

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 Kilometres

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Drake Coal Project