



Approval

North Galilee Basin Rail Project, Abbot Point to Galilee Basin, Queensland (EPBC 2013/6885)

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	Adani Mining Pty Ltd
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proponent's ACN	145 455 205
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proposed action	The construction and operation of a rail corridor approximately 310 km in length, including standard gauge rail and associated infrastructure, from approximately 70 km east of the Carmichael Mine, to the Port of Abbot Point, Queensland [see EPBC Act referral 2013/6885 and request to vary proposal dated 16 April 2014].
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Approval decision

Controlling Provisions	Decision
World Heritage properties	
Section 12	Approved
Section 15A	Approved
National Heritage places	
Section 15B	Approved
Section 15C	Approved
Listed threatened species and communities	
Section 18	Approved
Section 18A	Approved
Listed migratory species	
Section 20	Approved

Section 20A	Approved
Commonwealth marine areas	
Section 23	Approved
Section 24A	Approved
Great Barrier Reef Marine Park	
Section 24B	Approved
Section 24C	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 September 2104.

Decision-maker

name and position The Hon Greg Hunt MP
Minister for the Environment

signature



date of decision

14:10:2015

Conditions attached to the approval

1. **The Minister** may determine that a plan, report or strategy approved by the Queensland Government satisfies a plan, report or strategy required under these conditions.

Project area

2. For the purpose of the proposed action, the **approval holder** must not clear vegetation outside the **Project area** shown in Figures 1-2 and 2-2 of Volume 2 Appendix B of the **Final EIS** unless targeted surveys have demonstrated that **Matters of National Environmental Significance** will not be **impacted**.

Disturbance limits

3. The **approval holder** must comply with the disturbance limits for specified **EPBC Act listed species and communities** as specified in Table 1.

Note: The maximum disturbance limits in Table 1 apply to authorised **impacts on EPBC Act listed species and communities** as a result of construction, operation and decommissioning of the rail corridor and associated infrastructure within the **Project area** (i.e. they are 'whole of Project' disturbance limits) for the duration of the Project approval.

Table 1: Maximum disturbance limits for EPBC Act listed species and communities.

Species	Maximum disturbance (i.e. maximum residual impact to habitat)
Listed threatened species – fauna	
Australian Painted Snipe	45.6 hectares
Black-throated Finch	1836.2 hectares
Squatter Pigeon	1361.8 hectares
Ornamental Snake	421.6 hectares
Koala	2047.6 hectares
Listed threatened species – flora	
Black Ironbox	175.4 hectares
King Bluegrass	263.3 hectares
Bluegrass	354.2 hectares
Threatened ecological community	Maximum disturbance (i.e. maximum residual impact to community)
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	195.2 hectares
Natural grasslands of the Queensland central highlands and the northern Fitzroy Basin	133.2 hectares
Semi-evergreen vine thickets of the Brigalow Belt (north and south) and Nandewar regions	55.7 hectares

Note: Table 1 is derived from information in the Coordinator-General's Assessment Report (August 2014).

Matters of National Environmental Significance management plan/s (MNESMP)

- At least three months prior to **commencement**, the **approval holder** must submit to the **Minister** for approval **Matters of National Environmental Significance** management plan/s for the management of direct and indirect **impacts** of the proposed action on **Matters of National Environmental Significance**, being for the purposes of

the MNESMP: the species and communities listed in Table 1, and the Outstanding Universal Value of the Great Barrier Reef World Heritage Area.

*Note: If the MNESMP does not address any specific future activities it should be updated in accordance with Condition 20 and submitted to **the Department** prior to these specific future activities being undertaken.*

5. The MNESMP must be consistent with relevant recovery plans, threat abatement plans and approved conservation advices and must include:
 - a. a description of **environmental values** for each of the **Matters of National Environmental Significance** addressed in the MNESMP
 - b. details of baseline and **impact** monitoring measures to be implemented for each of the **Matters of National Environmental Significance** including control and **impact** sites to be monitored throughout the life of the project. The monitoring must provide sufficient data to quantify likely **impacts** resulting from the proposed action, to determine appropriate habitat management goals (See Conditions 5e and 5f)
 - c. details of potential **impacts**, including area of **impact**, on each of the **Matters of National Environmental Significance** from the proposed action, including **impacts** from:
 - i. vegetation clearing
 - ii. earthworks
 - iii. construction works
 - iv. noise and vibration
 - v. train strike
 - vi. emissions (including dust)
 - vii. light spill and other visual **impacts**
 - viii. waterway crossings
 - ix. weeds and pests
 - d. measures that will be undertaken to mitigate and manage **impacts** on **Matters of National Environmental Significance** resulting from the proposed action. These measures must include but not be limited to:
 - i. For **Matters of National Environmental Significance** to which the MNESMP apply (see Conditions 4, 7 and 9), relevant mitigation measures proposed in sections 7.6, 7.8 and 7.9 of Volume 2 Appendix D of the **Final EIS**
 - ii. the use of fauna spotters prior to and during all vegetation clearing activities to ensure **impacts** on **Matters of National Environmental Significance** are minimised
 - iii. measures to avoid **impacts** on **Matters of National Environmental Significance** and their habitat located in the **Project area**, but outside

areas to be cleared or constructed upon, including adjacent to cleared areas

- iv. measures to rehabilitate all disturbed areas of habitat for **Matters of National Environmental Significance** addressed in the MNESMP (see Conditions 4, 7 and 9)
 - e. goals for habitat management for each relevant **Matter of National Environmental Significance**
 - f. a table of specific criteria for assessing the success of management measures against goals, and triggers for implementing corrective measures if criteria are not met within specified timeframes. Goals and triggers must be based on the baseline condition of the relevant **Matters of National Environmental Significance** as determined through baseline monitoring (see Condition 5b). Corrective measures must include provision of offsets where it is determined that corrective management measures have not achieved goals within specified timeframes
 - g. an ongoing monitoring program to determine the success of mitigation and management measures against the criteria required in Condition 5f, including monitoring locations, parameters and timing
 - h. details of how non-compliance will be reported
 - i. details of how the MNESMP will be updated to incorporate and address outcomes from surveys undertaken for **Matters of National Environmental Significance** under this and any **state approvals**, including updating of goals, criteria and triggers (as required under Conditions 5e and 5f)
 - j. provisions to ensure that suitably qualified and experienced persons are responsible for undertaking monitoring, review, and implementation of the MNESMP.
6. The **approval holder** must not **commence** until all the required MNESMP have been approved by the **Minister** in writing. The approved plan/s must be implemented.
7. Where pre-clearance surveys, as required under **state approvals**, identify individuals of, or habitat for, an **EPBC Act listed species or community** not previously identified and reported to the **Department**, the **approval holder** must notify the **Department** in writing within five business days of finding these individuals or habitat, and within 40 business days of finding these individuals or habitat must submit to the **Department** for the **Minister's** written approval updated MNESMP detailing how **impacts** to the newly identified **EPBC Act listed species or community** will be avoided, mitigated and/or offset. Once approved, the revised MNESMP must be implemented.
8. The **approval holder** must revise the MNESMP following pre-clearance surveys required under **state approvals**, and resubmit the MNESMP to the **Department** for the **Minister's** written approval within 3 months of pre-clearance surveys being completed. Once approved, the revised MNESMP must be implemented.
9. If, through pre-clearance surveys as required under **state approvals**, individuals of, or habitat for, an **EPBC Act listed species or community** not previously identified and reported to the **Department** are identified, the **approval holder** must not start or, in the case of work already commenced, must immediately cease any part of the proposed

action that may significantly **impact** that **EPBC Act listed species or community**, until MNESMP addressing these **impacts** have been approved by the **Minister** in writing. Once approved, the revised MNESMP must be implemented.

*Note: Management plans may also be required under associated EPBC approvals (EPBC 2010/5736 and EPBC 2011/6194) and under **state approvals**. Whenever possible a combined document should be prepared to address both state government and **EPBC Act** approval conditions.*

Biodiversity Offset Strategy

10. To compensate for authorised unavoidable **impacts** on **Matters of National Environmental Significance**, the **approval holder** must submit a Biodiversity Offset Strategy (BOS) to the **Minister** at least two months prior to **commencement**.
11. Offsets for authorised unavoidable **impacts** (defined as maximum disturbance limits in Table 1, or actual **impacts** as defined after detailed design and pre-clearance surveys required under **state approvals**), must be managed in accordance with the BOS.

General requirements

12. The BOS must be consistent with the **Galilee Basin Strategic Offset Strategy**, relevant recovery plans, threat abatement plans, conservation advices and MNESMP (see Condition 5), and must include:
 - a. location of species and communities habitat offset areas including maps in electronic Geographic Information System (GIS) format
 - b. details of how offset sites have been or will be **legally secured** within 2 years of **commencement** to ensure their long-term protection
 - c. details of how offset sites adequately compensate for residual significant **impacts** to **Matters of National Environmental Significance** in accordance with the **EPBC Act Offsets Policy**
 - d. a monitoring program for the offset site/s suitable to measure the success of the management measures against stated performance criteria including monitoring locations, parameters and timing
 - e. a description of the potential risks to the successful implementation of the BOS, and details of measures that will be implemented to mitigate these risks
 - f. details of how the BOS will be updated to incorporate outcomes from surveys undertaken for **Matters of National Environmental Significance** under this and any **state approvals**, including updating of goals, criteria and triggers (as outlined at Conditions 5e and 5f).
 - g. an outline of how compliance with the BOS will be reported
 - h. provisions to ensure that suitably qualified and experienced persons are responsible for undertaking monitoring, review, and implementation of the BOS
 - i. detailed processes for any residual **impacts** on **Matters of National Environmental Significance** (see Condition 5f) to be offset in accordance with the **EPBC Act Offsets Policy**, including a process for offset requirements to be

developed in consultation with the **Department** and relevant Queensland Government agencies

- j. a detailed process for any significant residual **impact** on any **EPBC Act listed species or community** not identified in Table 1 to be offset in accordance with the **EPBC Act Offsets Policy** (see Condition 7).

- 13. The **approval holder** must not **commence** unless and until the BOS has been approved by the **Minister** in writing. The approved BOS must be implemented.

Note: A Biodiversity Offset Strategy is also required under the State Government approval for the project. A single document may be prepared to address both State Government and EPBC Act approval conditions.

Offset area management plans

- 14. Within six months of the approval of the BOS in accordance with Conditions 5 or 12, the **approval holder** must submit to the **Minister** for approval a management plan for that offset area. Each offset area management plan must address the relevant requirements of the BOS, and contain:
 - a. detailed baseline description of offset areas, including surveys undertaken, condition of existing **Matters of National Environmental Significance** and their habitats, relevant **environmental values**, area of primary habitat for each **EPBC Act listed species and community**, connectivity with other habitat areas and biodiversity corridors
 - b. management measures and offset plans for each offset area to improve the habitats of relevant **Matters of National Environmental Significance**
 - c. a table of specific goals and associated timeframes for habitat management measures for each offset area with criteria for assessing the success of habitat management measures and corrective measures to be implemented if criteria are not met
- 15. Once approved, offset area management plans must be implemented.

Standard conditions

- 16. Within 30 days of the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
- 17. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, reports, and strategies 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.
- 18. Within three months of every 12 month anniversary of the **commencement** of the action, the **approval holder** must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any management plans, reports or strategies as specified in the conditions. The report must remain on the

website for three years. 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. Likely (as defined by relevant triggers incorporated in the MNESMP as required by Condition 5f) or actual non-compliance with any of the conditions of this approval must be reported to **the Department** in writing within 2 business days of the **approval holder** becoming aware of the likely or actual non-compliance.

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 and audit criteria must be approved by **the Minister** prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of **the Minister**.
20. The **approval holder** may choose to revise a management plan, report or strategy approved by **the Minister** under condition 4 without submitting it for approval under section 143A of **the EPBC Act**, if the taking of the action in accordance with the revised management plan, report or strategy would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice they must:
 - a. notify **the Department** in writing that the approved management plan, report or strategy has been revised and provide **the Department** with an electronic copy of the revised management plan, report or strategy;
 - b. implement the revised management plan, report or strategy from the date that the management plan, report or strategy is submitted to **the Department**; and
 - c. for the life of this approval, maintain a record of the reasons the **approval holder** considers that taking the action in accordance with the revised management plan, report or strategy would not be likely to have a **new or increased impact**.
- 20A. The **approval holder** may revoke their choice under condition 20 at any time by notice to **the Department**. If the **approval holder** revokes the choice to implement a revised management plan, report or strategy, without approval under section 143A of **the EPBC Act**, the management plan, report or strategy approved by **the Minister** must be implemented.
- 20B. Condition 20 does not apply if the revisions to the approved management plan, report or strategy include changes to environmental offsets provided under the management plan, report or strategy in relation to the matter, unless otherwise agreed in writing by **the Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised management plan, report or strategy would, or would not, be likely to have **new or increased impacts**.
- 20C. If **the Minister** gives a notice to the **approval holder** that **the Minister** is satisfied that the taking of the action in accordance with the revised management plan, report or strategy would be likely to have a **new or increased impact**, then:
 - a. condition 20 does not apply, or ceases to apply, in relation to the revised management plan, report or strategy; and
 - b. the **approval holder** must implement the management plan, report or strategy approved by **the Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 20, 20A and 20B in the period before the day the notice is given.

At the time of giving the notice **the Minister** may also notify that for a specified period of time that condition 20 does not apply for one or more specified management plans, reports or strategies required under the approval.

- 20D. Conditions 20, 20A, 20B and 20C are not intended to limit the operation of section 143A of **the EPBC Act** which allows the **approval holder** to submit a revised management plan, report or strategy to **the Minister** for approval.
21. If **the Minister** believes that it is necessary or convenient for the better protection of World Heritage properties, National Heritage places, listed threatened species and communities, listed migratory species, the Great Barrier Reef Marine Park or Commonwealth marine areas to do so, **the Minister** may request that the **approval holder** make specified revisions to the management plans, reports, and strategies specified in the conditions and submit the revised management plans, reports, and strategies for **the Minister's** written approval. The **approval holder** must comply with any such request. The revised approved management plans, reports, and strategies must be implemented. Unless **the Minister** has approved the revised management plans, reports, and strategies, then the **approval holder** must continue to implement the management plans, reports, and strategies originally approved, as specified in the conditions.
22. If, at any time after ten years from the date of this approval, **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, reports, and strategies referred to in these conditions of approval on its website. Each management plan, report, and strategy must be published on the website within one month of being approved and remain on the website for not less than ten years, or a longer period if specified in writing by **the Minister**, and be otherwise made available to any party upon written request for the duration of the approval. The **approval holder** must provide the requested management plan/s, report/s and/or strategy/ies to the requesting party within 10 business days of receiving the request.

Definitions:

Approval holder: The person to whom the approval is granted, or any person acting on their behalf, or to whom the approval is transferred under section 145B of **the EPBC Act**.

Australian Painted Snipe: means the Australian Painted Snipe (*Rostratula australis*) listed as a threatened species under **the EPBC Act**.

Black-throated Finch: means the Black-throated Finch (Southern) (*Poephila cincta cincta*) listed as a threatened species under **the EPBC Act**.

Black Ironbox: means the Black Ironbox (*Eucalyptus raveretiana*) listed as a threatened species under **the EPBC Act**.

Bluegrass: means the Bluegrass (*Dichanthium setosum*) listed as a threatened species under **the EPBC Act**.

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

Commence/Commenced/Commencement/Commencing: means any physical disturbance including clearing of vegetation that is an **EPBC listed species or community** or that is habitat

for an **EPBC listed species or community** for the purposes of the proposed action.
Commencement does not include:

- a. minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs or associated with the mobilisation of the plant, equipment, materials, machinery and personnel prior to the start of railway and road development or construction; or
- b. activities that are critical to commencement that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of railway or road development or construction only if such activities will have no adverse **impact on Matters of National Environmental Significance**, and only if the **approval holder** has notified the **Department** in writing before an activity is undertaken.

The/ Department: means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Environmental values: includes but is not limited to habitat for **EPBC Act listed species and communities** and the Outstanding Universal Value of the Great Barrier Reef World Heritage Area.

The/ EPBC/ 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).

EPBC Act listed species and/or community/ies: means a threatened species or community, or a migratory species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Final EIS: means the North Galilee Basin Rail Project Additional Information to the Environmental Impact Statement as provided to the **Department** on 15 April 2014.

Galilee Basin Strategic Offset Strategy: is the Queensland Government Department's Galilee Basin Strategic Offset Strategy (2013) or any future updated version.

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

King Bluegrass: means the King Bluegrass (*Dichanthium queenslandicum*) listed as a threatened species under the **EPBC Act**.

Koala: means the Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)) listed as a threatened species under the **EPBC Act**.

Legally secure/d: means to secure a covenant or similar legal agreement in relation to a site, to provide enduring protection for the site against developments incompatible with conservation.

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

Natural grasslands of the Queensland central highlands and the northern Fitzroy Basin: means the community of the same name listed as a threatened ecological community under the **EPBC Act**.

New or increased impact: a new or increased **impact** on any matter protected by the controlling provisions for the action, when compared to the management plan, report or strategy that has been approved by the **Minister**.

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

Project area: means the identified *key features of the NGBR Project* in Figure 1-2 in Volume 2 Appendix B of the **Final EIS** and *Potential quarry and borrow locations* shown in Figure 2-2 in Volume 2 Appendix B of the **Final EIS**.

Semi-evergreen vine thickets of the Brigalow Belt (north and south) and Nandewar regions: means the community of the same name listed as a threatened ecological community under the **EPBC Act**.

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

State approvals: means any permits, licences or other authorisations, including any associated conditions, issued in relation to the action by any Queensland Government agency.

Substantially commenced: means the same as **commenced**.

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