



Australian Government
Department of the Environment

Approval

Newlands Coal Extension Project (EPBC 2011/5968)

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

Action

person to whom the approval is granted Glencore Coal Queensland Pty Limited

approval holder's ACN (if applicable) ACN: 098 156 702

action To develop four open cut mining pits and underground extensions at the existing Newlands mine approximately 32 km northwest of Glenden in the Northern Bowen Basin, Queensland [See EPBC Act referral 2011/5968].

Approval decision

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

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 January 2045.

Decision-maker

name and position Tony Bigwood
Acting Assistant Secretary
North, West and Offshore Assessment Branch

Signature

date of decision 26 November 2013

Conditions of Approval

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

Project area

2. The **project area** is the area designated as the 'Project Area' in Maps 1 and 2 at Annexure A and is contained within the mine lease (ML) ML10352, ML10361 and ML10362 with a combined area of 11,674 hectares.
3. For the purpose of the action, the **approval holder** must not clear outside the **project area**.
4. Within 3 months of each 12 month anniversary of the **commencement** of the action the **approval holder** must publish a report and maps verifying compliance with Condition 3 on its website until the expiry date of approval.
5. The **approval holder** must notify the **Department** of the information being published on its website, and provide the **Department** with a copy of this information, within 1 week of the information being placed on its website.

Disturbance Limits

6. The **approval holder** must not cause or allow disturbance of the **habitat** of any **EPBC Act listed species** or any **EPBC Act listed communities** as a result of exploration, construction, operation and decommissioning of the mine and associated infrastructure within the **project area** (i.e. they are 'whole of project' disturbance limits) for the duration of project approval above the maximum disturbance limits stated in Table 1.

Table 1: Maximum Disturbance limits for EPBC Act listed communities and habitat of EPBC Act listed species

Species	Maximum disturbance from Mine activities	Maximum disturbance from Subsidence impacts
Threatened species		
Squatter Pigeon	546 hectares	NA
Threatened ecological communities		
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	204 hectares	19 hectares
Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin	0 hectares	0 hectares
Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions (SEVT)	57 hectares	1 hectare

Note 1: Table 1 is derived from information provided in the SEIS (Xstrata 2013), and the Department of Environment and Heritage Protection's assessment report (Qld Government 2013) with rounding to the nearest hectare applied.

Disturbance to ecological communities and **habitat** for listed species

7. If disturbance limits set in Table 1 are predicted to be exceeded, the **approval holder** must:
 - a) contact the **Department** in writing before reaching any disturbance limit in Table 1 and provide the actual area of disturbance in hectares for each **EPBC Act listed species** and/or **EPBC Act listed community** that has already occurred and the revised predicted area of disturbance;
 - b) request and provide detailed justification for a new maximum disturbance limit;

- c) propose a new offset requirement that addresses the new maximum disturbance limits, in accordance with the **EPBC Act Offsets Policy** for each **EPBC Act listed species** and/or **EPBC Act listed community**, including a timeframe for implementing these offsets. The proposed offset must be approved by the **Minister** in writing before the **approval holder** reaches the disturbance limit in Table 1.
 - d) not exceed the disturbance limit in Table 1 unless and until a new disturbance limit and a timeframe for implementing these offsets have been approved by the **Minister** in writing.
8. Except as allowed under condition 7, if disturbance limits set in Table 1 are exceeded, as this is a breach of the conditions, the **approval holder** must:
- a) contact the **Department** in writing within 24 hours providing details of the actual area of disturbance in hectares for each **EPBC Act listed species** and/or **EPBC Act listed community** that has occurred and how the unplanned disturbance arose;
 - b) cease any work which could result in further disturbance unless and until the **Minister** approves new disturbance limits in writing;
 - c) for each **EPBC Act listed species and ecological community** affected, propose a new disturbance limit; and
 - d) propose a new offset requirement that addresses the new maximum disturbance limits, in accordance with the **EPBC Act Offsets Policy** for each **EPBC Act listed species** and/or **EPBC Act listed community**, including a timeframe for implementing these offsets.
9. Except as allowed under condition 7, if disturbance limits set in Table 1 are exceeded the **Minister** may require additional direct or indirect offsets for any additional disturbance to **habitat** for **EPBC Act listed threatened species or communities**.

Matters of National Environmental Significance (MNES) Management Plan

10. Within 6 months of commencement, the **approval holder** must submit, in writing, a **MNES Management Plan (MMP)** for the approval of the **Minister** which describes the measures to be undertaken for the ongoing protection and long term conservation of **EPBC Act listed species and communities** within the **project area**. The **approval holder** must implement the MMP approved by the **Minister** no later than 12 months from the date of approval of the project.
11. The MMP must include:
- a) a description of the **EPBC Act listed communities** and **habitat** of **EPBC Act listed species** to be impacted, including area in hectares, **habitat** quality and features, and maps showing its location, extent and quality;
 - b) measures that will be undertaken to avoid, mitigate and manage **impacts** resulting from the action. These measures must include:
 - i. where relevant, measures contained in relevant guidelines, policies and plans (such as recovery plans) specifically for each species and/or community affected by the proposed action;
 - ii. fauna spotters must be used prior to and during all clearing activities where **impacts** on **EPBC Act listed species and communities** are likely (**EPBC Act listed fauna species** must be removed and relocated to adjacent suitable **habitat** unless this is not possible due to stress or injury);
 - iii. measures to prevent stress, injury and mortality of **EPBC Act listed fauna species** during and arising from **construction and mine operations**;
 - iv. measures to allow fauna to escape from pits, trenches and walled and banded enclosures;

- v. measures to determine whether **EPBC Act listed fauna species** that are injured or stressed should be rehabilitated or euthanized, and if an **EPBC Act listed species** dies, measures to determine whether and how its bodies should be made available for scientific research; and
 - vi. measures to report on the occurrence, circumstances and outcomes for casualties that are **EPBC Act listed fauna species**.
- c) measures to rehabilitate areas of **MNES** and or **habitat** disturbed during **construction** and **operation** where this is practicable, including an environmental risk assessment of both open final void and backfilling options for open cut mining, including justification for the preferred option that demonstrates there are no unacceptable impacts on **MNES**;
 - d) measures that will be undertaken to avoid, mitigate and manage **impacts** to **EPBC listed species and communities** resulting from the action as a result of the presence of weed and pest species. These measures must include the management of environmental weed and pest species in retained vegetation within the **project area**, in particular where a **threat abatement plan** is relevant;
 - e) a monitoring program to determine the success of mitigation and management measures. The monitoring program must;
 - i. clearly set out performance indicators or criteria for assessing the success of management measures;
 - ii. measure the success of the management measures against stated performance criteria as applied to the **project area**;
 - iii. include monitoring parameters, frequencies, triggers, corrective actions, timing and scope for the duration of project approval; and
 - iv. include ongoing monitoring for the presence of **MNES**, including the **Northern Quoll**.
 - f) outline how milestones and compliance will be reported.
12. Where **EPBC Act listed species and communities** share similar **habitat** and management requirements, the requirements of condition 11 for these **EPBC Act listed species and communities** may be addressed together as component of the MMP.
13. Where an **EPBC Act listed community** or **habitat** for an **EPBC Act listed species** not previously identified and reported to the **Department** is found in the **project area**, the **approval holder** must notify the **Department** in writing within 10 business days of verifying the presence of this community or **habitat**, and within 20 business days outline in writing how these conditions of approval will be met.
14. The **approval holder** must publish (for the duration of the approval) the MMP on its website within 10 business days from the day of receiving the **Minister's** approval of the MMP in writing.

Biodiversity Offset Strategy

15. Within 6 months of **commencement**, the **approval holder** must submit, in writing, a Biodiversity Offset Strategy to compensate for any authorised unavoidable impacts on **MNES** (see Table 1), for the approval of the **Minister**. The **approval holder** must implement the Biodiversity Offset Strategy approved by the **Minister** no later than 12 months from the date of **commencement**.
16. All offsets must be **secured** under relevant Queensland legislation within 3 years of **commencement**.
17. The Biodiversity Offset Strategy must provide details of the proposed offset areas including maps and site descriptions, environmental values relevant to **MNES**, amounts of **habitat** for each **MNES** (in hectares), connectivity with other **habitat** and biodiversity corridors.
18. The following table specifies the minimum offsets which the **approval holder** must **secure** for unavoidable authorised disturbance to **EPBC Act listed threatened species** and

communities in respect of maximum disturbance from mine activities impacts estimated in Table 1:

Table 2: Offsets required for EPBC Act listed threatened fauna species and communities

Species	Required offset
Squatter Pigeon	982 hectares of habitat
Brigalow	480 hectares
SEVT	152 hectares

*Note 2: Offsets for some species may be accommodated within ecological communities or overlap State approval requirements or other species **habitat** requirements, as long as they meet the requirements of these conditions of approval in respect of each individual species being offset.*

Biodiversity Offset Management Plan

19. Within 6 months of **commencement**, the **approval holder** must submit, in writing, a Biodiversity Offset Management Plan for the approval of the **Minister** which describes the measures to be undertaken for the ongoing protection and long term conservation of **EPBC Act listed species and communities** within the approved offset area. The **approval holder** must implement the Biodiversity Offset Management Plan approved by the Minister no later than 12 months from the date of **commencement**.
20. The Offset Management Plan must include:
 - a) a summary of the approved Newlands Coal Extension Project Biodiversity Offset Strategy;
 - b) a detailed survey, complying with relevant **survey guidelines**, and description of the condition of the offset area prior to any management activities, including existing **MNES habitat** and vegetation which has the potential to be restored or improved (the baseline condition). This must be accompanied with the offset attributes and a shapefile;
 - c) a description of the potential risks to the successful implementation of the Offset Management Plan, and include a description of the contingency measures that would be implemented to mitigate against these risks;
 - d) management measures for **MNES** and **MNES habitat** identified within the Biodiversity Offset Strategy with written evidence of input from a **suitably qualified expert** who has relevant expertise in the management of native vegetation of the Bowen Basin;
 - e) a monitoring program for the offset site/s. The monitoring program must:
 - i. clearly set out performance indicators;
 - ii. detail how the success of the management measures against stated performance criteria will be measured;
 - iii. include monitoring parameters, frequencies, triggers, corrective actions, timing and scope for the duration of project approval; and
 - iv. include periodic ground photography (from defined photo points) and aerial/satellite imagery suitable for indicating the condition of the site/s.
 - f) an outline of how milestones and compliance will be reported on; and
 - g) details of who would be undertaking monitoring, reviewing and implementing the Offset Management Plan (if this person is not the **approval holder**).
21. The **suitably qualified expert** in condition 20(d) must be a person who has been approved as such by the **Minister** in writing prior to **approval holder** submitting the Offset Management Plan to the **Minister** for approval.
22. The Offset Management Plan must include a written, commitment from the **approval holder**, supported by relevant data and calculations that demonstrate that the offset areas required in Table 2 meet the requirements of the **EPBC Act Offsets Policy**.

Water Management Plan

23. The approval holder must provide a copy of the Water Management Plan as approved by the **Queensland Department of Environment and Heritage Protection**, to the **Minister**. Where the Water Management Plan is updated, these updates must also be provided to the **Minister**.
24. The **approval holder** must contribute validated ground and surface water data, as requested by the **Minister**, to inform relevant Queensland Regional Groundwater and Surface Water Monitoring and Assessment Program and relevant bioregional assessments.

Date of commencement

25. Within 30 calendar days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.

Administrative Conditions

26. The **approval holder** must notify the **Department** in writing of non-compliance with any condition of this approval as soon as practical and within no later than two business days of becoming aware of the non-compliance.

The notice provided to the **Department** under this condition must specify:

- a) the condition which the **approval holder** has potentially breached;
 - b) the nature of the non-compliance;
 - c) when and how the **approval holder** became aware of the non-compliance;
 - d) how the non-compliance will affect the approved action;
 - e) how the non-compliance will affect the anticipated impacts of the approved action, in particular how the non-compliance will affect the impacts on the MNES;
 - f) the measures the **approval holder** will take to address the impacts of the non-compliance on the MNES and rectify the non-compliance; and
 - g) the time by when the **approval holder** will rectify the non-compliance.
27. 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 plans, strategies or programs 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.
28. 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 plans, strategies or programs 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.
29. 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**.
30. If the **approval holder** wishes to carry out any activity otherwise than in accordance with a plan, strategy or program 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, strategy or program. The varied activity must not **commence** until the **Minister** has approved the varied plan, strategy or program in writing. The **Minister** will not approve a varied plan, strategy or program unless the revised plan, strategy or program would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised plan, strategy or program, that plan, strategy or program must be implemented in

place of the plan, strategy or program originally approved.

31. If the **Minister** believes that it is necessary or convenient for the better protection of **EPBC Act listed species or communities** or a water resource to do so, the **Minister** may request that the **approval holder** make specified revisions to a plan, strategy or program specified in the conditions and submit the revised plan, strategy or program for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved plan, strategy or program must be implemented. Unless the **Minister** has approved the revised plan, strategy or program, then the **approval holder** must continue to implement the plan, strategy or program originally approved, as specified in the conditions.
32. 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**.
33. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all plans, strategies or programs referred to in these conditions of approval on its website. Each plan, strategy or program must be published on the website within 1 month of being approved (unless otherwise specified in these conditions) and remain on the website for the duration of project approval.

DEFINITIONS

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

Commence/Commencement/Commencing: means any physical disturbance including clearing of vegetation that is an **EPBC Act listed species or community** or that is **habitat** for an **EPBC Act listed species or community** or new road works, new rail works, new camps, development of mining associated infrastructure and mining operations. 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 MNES, and only if the approval holder has notified the **Department** in writing before an activity is undertaken.

Construction: means the stages as specified within this definition and its sub-parts, including site preparation; removal of existing structures; site clearance; access road; water supply and waste water management; power supply; communications; and minor administration buildings. Civil works including civil earthworks; installation of permanent and temporary drainage and water diversions; trenching and laying of reticulated services and any other underground pipelines and services; road construction, ramps and walls; hardstand construction; water storage infrastructure; underground box cuts and stockpiles.

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

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

Habitat: means the areas identified as being suitable habitat (e.g. provide for shelter, foraging and breeding activities) for the relevant **EPBC Act listed species or community** and consistent with the definitions of Critical Habitat, Core Habitat, Essential Habitat, and General Habitat contained within Queensland's *Biodiversity Assessment and Mapping Methodology 2.1 July 2002*, or subsequent revisions.

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

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

Mining operation/s: means the one or more of the following stages:

Stage 1 means project activities years 1-5 starting at commencement of coal extraction;

Stage 2 means project activities years 6-10;

Stage 3 means project activities years 11-15;

Stage 4 means project activities years 16-20; and

Stage 5 means project activities years 20 onward, including rehabilitation activities.

MNES Management Plan: as specified within these conditions (condition 28 to 33 inclusive).

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

Northern Quoll: means the Northern Quoll, *Dasyurus hallucatus*, listed as a threatened species under the EPBC Act

Operation: means extraction of coal has commenced from the coal mine.

Project area: means the area defined in Condition 2 as the project area.

Queensland Department of Environment and Heritage Protection: means the Queensland Department of Environment and Heritage Protection or any Department that succeeds the Queensland Department of Environment and Heritage Protection that is responsible for administering environmental offsets in relation to the Bowen Basin.

Secure/d: means to provide for long term conservation under relevant state or Commonwealth legislation.

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

Subsidence: means the totality of subsidence effects and subsidence impacts. Where 'subsidence effects' means deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature; and 'subsidence impacts' means physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and upsidence and surface depressions or troughs where the impact to an EPBC Act listed species or community/ies is determined to be significant according to *Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999*.

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

Suitably Qualified Expert/s: means a natural 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.

Survey Guidelines:

Matters of National Environmental Significance, Significant Impact Guidelines 1.1,
Environment Protection and Biodiversity Conservation Act 1999
<http://www.environment.gov.au/epbc/publications/nes-guidelines.html>

Survey Guidelines for Australia's Threatened Frogs, Threatened Mammals, Threatened Reptiles and Threatened Bats:
<http://www.environment.gov.au/epbc/guidelines-policies.html>

Survey Guidelines for Australia's Threatened Birds:
<http://www.environment.gov.au/epbc/publications/pubs/survey-guidelines-birds.pdf>

Threat Abatement Plan: means a plan approved by the Minister to reduce the impacts to matters of national environmental significance associated with approved key threatening processes.



