

Approval

Baralaba North Coal Mine Continued Operations, Baralaba, Queensland (EPBC 2013/7036)

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

person to whom the approval is granted	Cockatoo Coal Limited
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proponent's ABN	ABN: 13 112 682 158
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proposed action	To construct and operate an open cut coal mine extension 150 km west of Rockhampton, Queensland.
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decision	<p>To approve the proposed action for each of the following controlling provisions:</p> <ul style="list-style-type: none">• Listed threatened species and communities (sections 18 and 18A)• A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E)
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Conditions of approval	This approval is subject to the conditions specified below.
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expiry date of approval	This approval has effect until 15 December 2039
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Decision-maker

name and position	Deb Callister Assistant Secretary Queensland and Sea Dumping Assessment Branch
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signature	
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date of decision	22 December 2014
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Conditions of approval

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

Disturbance Limits

2. For the purpose of the action, the **approval holder** must not take any action outside the Baralaba North Continued Operations Project (BNCOP) Action Area or inside the Area of Exclusion of Mining Activities shown as red hatching at Attachment A.
3. To protect **EPBC Act listed threatened species and communities** within the **project area**, the whole of project maximum disturbance limits in Table 1 apply to the project. The **approval holder** must not exceed these maximum disturbance limits.

Table 1: Whole of project maximum disturbance limits

Threatened Ecological Communities	Maximum disturbance limits (hectares)
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	9
Coolibah-Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions	0
Threatened Species	Maximum disturbance limits (hectares)
Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>)	277
Ornamental Snake (<i>Denisonia maculata</i>)	33.5
South-eastern Long-eared Bat (<i>Nyctophilus corbeni</i>)	277
Koala (<i>Phascolarctos cinereus</i>)	5

EPBC Species Impact Management

4. The **approval holder** must prepare and submit, for the **Minister's** written approval, a Matters of National Environmental Significance Management Plan (MNESMP). The MNESMP must include:
 - a. measures that will be taken to avoid, mitigate and manage **impacts to EPBC Act listed threatened species and communities** and their habitat during clearance of vegetation, including the use of a **spotter/catcher** at all times during clearance of vegetation;
 - b. measures that will be taken to avoid, mitigate and manage **impacts to EPBC Act listed threatened species and communities** and their habitats during construction, operation and decommissioning of the Project;
 - c. details of how measures proposed in the MNESMP are consistent with the measures proposed in relevant **conservation advice, recovery plans and threat abatement plans**; and
 - d. a program for monitoring the outcomes of mitigation and management measures to minimise direct **impacts to EPBC Act listed threatened species and communities** and their habitat.

The MNESMP must be approved prior to **commencement** of the action. The approved EPBC Species Impact Management Plan must be implemented.

Offsets

5. The **approval holder** must provide environmental offsets for authorised unavoidable **impacts** to Brigalow (*Acacia harpophylla* dominant and co-dominant), Ornamental Snake (*Denisonia maculata*), Squatter Pigeon (Southern) (*Geophaps scripta scripta*) and South-eastern Long-eared Bat (*Nyctophilus corbeni*). The **approval holder** must ensure that environmental offsets comply with the principles of the **EPBC Act Environmental Offsets Policy**.
6. The **approval holder** must prepare and submit an Offset Management Plan, for the written approval of the **Minister**. The Offset Management Plan must include:
 - a. a detailed baseline description of offset areas, including surveys undertaken, condition of existing **EPBC Act listed threatened species and communities** and their habitat;
 - b. how the offset areas provide connectivity with other habitats and biodiversity corridors;
 - c. performance and completion criteria for evaluating the management of the offset area, and criteria for triggering remedial action (if necessary);
 - d. a description of the management measures that will be implemented for the protection of **EPBC Act listed threatened species and communities** listed at condition 5 and their habitat, including a discussion of how measures proposed are consistent with the measures in relevant **conservation advice, recovery plans and threat abatement plans**;
 - e. a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria; and
 - f. a timeline for when actions identified in the Offset Management Plan will be implemented for the offset area and the proposed legal mechanism for securing the offset.

The **approval holder** must not **commence** the action until the Offset Management Plan has been approved by the **Minister** in writing. The approved Offset Management Plan must be implemented.

7. The **approval holder** must register and legally secure, in accordance with Queensland legislation, offsets for authorised unavoidable impacts within two (2) years of the **commencement** of the action.

Water

8. The **approval holder** must undertake management and monitoring of water resources in accordance with the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld).
9. The **approval holder** must make available to the **Minister** on request, all plans or programs and any reviews of plans or programs required under the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld), including the Receiving Environment Monitoring Program, Erosion and Sediment Control Plan, Water Management Plan and Groundwater Monitoring and Management Program.

General

10. Within 20 business days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
11. 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 or 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.

12. 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 the conditions of this approval over the previous 12 months, including the implementation of any management plans or programs as specified in these conditions. 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. The compliance reports must remain on the website for the period this approval has effect.
13. The **approval holder** must notify the **Department** in writing of potential non-compliance with any condition of this approval as soon as practical and within no later than ten (10) business days of becoming aware of the potential 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 potential non-compliance;
 - c) when and how the **approval holder** became aware of the non-compliance;
 - d) 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 matters of national environmental significance;
 - e) the measures the approval holder will take to address the **impacts** of the non-compliance on the matters of national environmental significance and rectify the non-compliance; and
 - f) the time by which the approval holder will rectify the non-compliance.
14. 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**.
15. If the **approval holder** wishes to carry out any activity other than in accordance with the management plan as specified in conditions 4 and 6, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of that management plan. The approval holder must not **commence** the varied activity until the **Minister** has approved the varied management plan. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.
16. If, at any time after five (5) years from the date of this approval, the **approval holder** has not **commenced** the action, then the **approval holder** must not **commence** the action without the written agreement of the **Minister**.
17. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans or programs referred to in these conditions of approval on its website. Each management plan must be published on the website within 1 month of being approved and remain available on that website for the life of the approval.

Definitions

Approval holder: means 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.

Commence/commencement: Unless the activity is specifically defined for the purposes of these conditions, commencement of an activity includes any physical disturbance including clearing of vegetation, earthworks, new road works, construction of 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
- 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 development only if such activities will have no adverse impact on matters of national environmental significance, and only if the proponent has notified the Department in writing before an activity is undertaken.

Conservation advice: means an approved conservation advice by the Minister under the EPBC Act for an EPBC Act listed species or community.

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 Environmental Offsets Policy means the EPBC Act Environmental Offsets Policy (October 2012) including the Offsets Assessment Guide.

EPBC listed threatened species and communities: means a threatened flora or fauna species listed under the EPBC Act and an endangered ecological community listed under the EPBC Act.

Fauna spotter/catcher means a person licensed under the relevant State legislation and who has demonstrated experience in surveying for and identifying species listed under the EPBC Act.

Impact/s: as defined in section 527E of the EPBC Act.

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

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

Project area: means the area identified as the project area shown as the BNCOP Action Area in Attachment A.

Recovery Plan: means a recovery plan approved by the Minister under the EPBC Act.

Threat abatement plan: means a threat abatement plan approved by the Minister under the EPBC Act.

ATTACHMENT A

