

Approval

Stage 3 Expansion of New Acland Coal Mine, Queensland (EPBC 2007/3423)

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 New Acland Coal Pty Ltd

proponent's ABN 90 081 022 380

proposed action The Stage 3 expansion of an existing coal mine by New Acland Coal Pty Ltd on Mineral Development Lease 244 located on the Darling Downs in Southern Queensland, approximately 35 km north-north-west of Toowoomba. (See EPBC Act referral 2007/3423 received on 23 April 2007 and the variations accepted on 25 November 2008 and 26 October 2012).

Approval decision

Controlling Provision	Decision
Section 18 & 18A (listed threatened species and ecological communities)	Approved
Section 24D & 24E (water resources)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 January 2042.

Decision-maker

name and position The Hon Josh Frydenberg MP
Minister for the Environment and Energy

signature



date of decision 18 January 2017

Conditions of approval

Disturbance Limits

1. The **approval holder** must not take the proposed action outside the **project area**.
2. The **approval holder** must not clear more than 70.8 hectares of Belson's Panic (*Homopholis belsonii*) from the **project area**.

Adaptive Management and Offsets

3. The **approval holder** must provide environmental offsets for the **impact** to 70.8 hectares of Belson's Panic (*Homopholis belsonii*).
4. The **approval holder** must prepare and submit an Offset Management Plan for the written approval of the **Minister**. The action must not **commence** until the Offset Management Plan has been approved by the **Minister** in writing. The approved Offset Management Plan must be implemented. The Offset Management Plan must include:
 - i. a survey and description of the current condition (before any management activities) of each offset area proposed, including existing vegetation (the baseline condition). This must include a shapefile of each offset property boundary;
 - ii. information about how the offset areas provide connectivity with other relevant habitats and biodiversity corridors, including a map depicting the offset areas in relation to other habitats and biodiversity corridors;
 - iii. performance and completion criteria for evaluating the management of the offset area, and criteria for triggering remedial action (if necessary), including any **impacts** to the offset area/s associated with altered hydrogeology as a result of the action;
 - iv. a description of the management measures that will be implemented for the protection of Belson's Panic, including a discussion of how measures outlined take into account the approved **conservation advice** for *Homopholis belsonii*;
 - v. a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria;
 - vi. a description of potential risks to the successful implementation of the plan, and a description of the contingency measures that would be implemented to mitigate against these risks;
 - vii. a timeline for when actions identified in the Offset Management Plan will be implemented for the offset area/s; and
 - viii. the proposed legal mechanism for securing the offset area/s.
5. The **approval holder** must register and **legally secure**, in accordance with Queensland legislation, offsets for authorised unavoidable **impacts** to Belson's Panic within two years of the **commencement** of the action.
6. The **approval holder** must ensure that environmental offsets comply with the principles of the **EPBC Act Environmental Offsets Policy (2012)**.
7. If additional areas of **EPBC Act listed threatened species** not previously identified and reported to the **Department** are found in the **project area** during pre-clearance surveys required for the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld), the **approval holder** must:
 - i. notify the **Department** within five business days of finding the **EPBC Act listed threatened species**;

- ii. submit to the **Minister** for written approval a Species Management Plan (SMP) for how **impacts to EPBC Act listed threatened species** will be avoided, mitigated and offset if a significant **impact** is considered likely.
 - 8. The **approval holder** must not **commence** the action until the SMP, if required, has been approved by the **Minister** in writing. The **approval holder** must implement the approved SMP.
- Water management and monitoring**
- 9. The **approval holder** must undertake management and monitoring of water resources in accordance with:
 - i. the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld); and
 - ii. the requirements of any conditions regarding groundwater to be imposed by the authority responsible for administering the *Water Act 2000* (Qld).
 - 10. The **approval holder** must submit the Receiving Environment Monitoring Plan (REMP) to the **Minister** for written approval. **Mining activities** must not **commence** until the REMP has been approved by the **Minister** in writing. The **approval holder** must implement the approved REMP.
 - 11. In addition to the requirements for an REMP as identified in an Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld), the **approval holder** must:
 - i. identify the location of all discharge points and include monitoring locations downstream of each discharge point and environmental dams;
 - ii. identify the locations of all sampling points and review these for adequacy to ensure these are representative of upstream, downstream, control and reference sites;
 - iii. include field observations such as weather and flow conditions during each sampling event;
 - iv. increase the frequency of sampling and expand the range of analytes (e.g. metals, nutrients, ionic composition and polycyclic aromatic hydrocarbons) to be sampled at each sampling event;
 - v. use *Australian and New Zealand Environment and Conservation Council* (ANZECC) water quality guidelines for 95 per cent species protection in slightly to moderately disturbed systems until such time as site-specific water quality objectives can be derived based on data gathered during at least the first two years of the project;
 - vi. include measures to report and verify any exceedance of triggers to the **Department**;
 - vii. include mitigation and management measures to be implemented in the event a threshold is exceeded;
 - viii. include additional flow gauges on Spring Creek, including automatic samplers to collect water samples during first flush and high flow events; and
 - ix. address all the surface water management measures outlined in the **IESC advice**.

12. The **approval holder** must submit a Groundwater Management and Monitoring Plan (GMMP) to the Minister for written approval. **Mining activities** must not **commence** until the GMMP has been approved by the **Minister** in writing. The **approval holder** must implement the approved GMMP.
13. The GMMP must include:
- i. details of a groundwater monitoring network to measure **impacts** to groundwater quality and drawdown as a result of the action, including:
 - a. **control monitoring sites**;
 - b. details of the physical groundwater conditions, analytes, contaminants and physico-chemical properties to be monitored;
 - c. sufficient bores to determine the lateral extent of groundwater drawdown and flow direction and monitor potential **impacts** on **groundwater resources** and the effect of faulting on groundwater drawdown; and
 - d. a rationale for the design of the monitoring network with respect to the nature of potential **impacts**;
 - ii. baseline monitoring to determine existing groundwater quality within the **project area**, particularly adjacent to the location of the proposed pits;
 - iii. baseline monitoring data including a detailed bore census and investigation of bores in the area likely to be **impacted**;
 - iv. details of the location of monitoring bores to use as early warning indicators of groundwater drawdown propagation;
 - v. **threshold triggers** for **early warning monitoring bores** based on modelled **impacts** to water resources;
 - vi. groundwater **drawdown limits** for **impacts** to the Oakey Creek Alluvium and Tertiary Basalt Aquifers;
 - vii. measures and timeframes to report and verify any exceedance of **threshold triggers** or **drawdown limits** to the **Department**;
 - viii. a process to submit additional mitigation measures including a review of the appropriateness of the existing **threshold triggers** to the **Department** for approval in the event a **threshold trigger** is exceeded;
 - ix. an outline of the proposed methodology to assess groundwater connectivity between each hydrogeological unit using nested bore arrays;
 - x. mechanisms for addressing the **impacts** of the action to **groundwater resources**, including details of measures for **impacts** to water bores and **offsets for the Oakey Creek Alluvium and Tertiary Basalt Aquifers**;
 - xi. a timeframe for when the measures and offsets for **impacts to groundwater resources** will be implemented;
 - xii. a timeframe for a regular review of the GMMP in accordance with the requirements of the conditions to be imposed by the authority responsible for administering the *Water Act 2000*, and subsequent updates of the GMMP, including to incorporate the outcomes of the groundwater model reviews (condition 16 of this notice); and
 - xiii. address the groundwater management measures outlined in the **IESC advice**.

13A. If monitoring reports, based on **threshold triggers** for **early warning monitoring bores**, indicate that a groundwater **drawdown limit** will be substantially exceeded, the **Minister** may:

- i. require the **approval holder** to suspend mining operations; or
- ii. suspend or revoke an approval under section 144 and section 145 of the **EPBC Act**.

To avoid any doubt, this condition does not limit the application of section 144 or section 145 of the **EPBC Act**, if the **Minister** believes that the action will have a significant **impact** that was not identified in assessing the action.

14. The **Minister** may submit the GMMP to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (**IESC**) or other independent expert for review before making a decision on whether to approve it under condition 12.

15. The GMMP, including any revisions of the GMMP, must be peer reviewed by a **suitably qualified expert** before the GMMP is submitted for approval. A peer review must be submitted to the **Minister** together with the GMMP and a statement from the **suitably qualified expert** stating that they carried out the peer review and accept the findings and the content of the GMMP.

16. The **approval holder** must undertake groundwater model reviews in accordance with the requirements of the conditions imposed by the Queensland Coordinator-General under section 54B of the *State Development and Public Works Organisation Act 1971*. The reviews must address all matters raised in the December 2015 and 2016 **IESC advice** in regards to groundwater modelling. In addition, groundwater model reviews must be undertaken by a **suitably qualified expert** and must include:

- i. validation of the existence and nature of faulting and its potential effect on the predicted lateral extent of groundwater drawdown;
- ii. updated **groundwater resource** user abstraction data;
- iii. a review of predicted volumetric **impacts to a groundwater resource**; and
- iv. ongoing model evaluation including comparison between observed and modelled heads for each formation, across pre-mining, operations, post-mining and **long term phases**.

17. The **approval holder** must make groundwater monitoring and modelling data available to the **Department** and **Queensland Government authorities** (if requested) for inclusion in any cumulative **impact** assessment, regional water balance model and/or bioregional assessment.

Final Landform and voids

18. Within six years of **commencement**, the **approval holder** must prepare and submit a Final Land Use and Rehabilitation Plan to the **Minister** for written approval. The Final Land Use and Rehabilitation Plan must include:

- i. revised predictions of final void water levels for each proposed pit using pit lake water balance models in conjunction with the groundwater model;
- ii. pit lake water balance models based on inflow data gathered during mining;
- iii. long-term contaminant (e.g. metals and salinity) modelling within pit lakes of each final void;

- iv. a monitoring network suitable to identify any contaminant seepage from the final voids;
- v. final void geometries which will be implemented to minimise the risk of voids becoming contaminated or saline water sources or through-flow systems to the surrounding environment;
- vi. incorporation of climate and rainfall variability into the assessment and management of final voids;
- vii. a schedule for regular update and review of the Final Land Use Rehabilitation Plan.
- viii. identify the timeframe in which rehabilitation works will be completed; and
- ix. addressing the final landform and void management measures outlined in the **IESC advice**.

19. The approved Final Land Use and Rehabilitation Plan must be implemented.

Note: The **approval holder** may align a plan required under these conditions with the requirements of the Queensland Government, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

General

- 20. Within 30 days after the **commencement** of the **action**, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
- 21. 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 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.
- 22. 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. 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. Reports must remain on the **approval holder's** website for the duration of this approval. Following completion of the action, the **approval holder** may seek the written agreement of the **Minister** to cease preparing and publishing compliance reports as required by this condition.
- 23. The **approval holder** must report any contravention of the conditions of this approval to the **Department** within two business days of the **approval holder** becoming aware of the contravention.
- 24. 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 audit must not commence unless and until the **Minister** has approved the independent auditor and audit criteria. The audit report must address the criteria to the satisfaction of the **Minister**.

25. The **approval holder** may choose to revise a plan approved by the **Minister** under conditions 4, 7 and 9 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice they must:
- i. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;
 - ii. implement the revised plan from the date that the plan is submitted to the **Department**; and
 - iii. 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 plan would not be likely to have a **new or increased impact**.
26. The **approval holder** may revoke its choice under condition 25 at any time by notice to the **Department**. If the **approval holder** revokes the choice to implement a revised plan without approval under section 143A of the **EPBC Act**, the **approval holder** must implement the version of the plan most recently approved by the **Minister**.
- 26A. Condition 26 does not apply if the revisions to the approved plan include changes to environmental offsets provided under the plan in relation to a matter protected by a controlling provision for the action, 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 plan would, or would not, be likely to have **new or increased impacts**.
- 26B. 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 plan would be likely to have a new or increased **impact**, then:
- i. condition 26 does not apply, or ceases to apply, in relation to the revised plan; and
 - ii. the **approval holder** must implement the version of the plan most recently approved by the **Minister**.
- To avoid any doubt, this condition does not affect any operation of conditions 26 and 26A in the period before the day after the notice is given.
- At the time of giving a notice under condition 26, the **Minister** may also notify that for a specified period of time condition 26 does not apply for one or more specified plans required under the approval.
- 26C. Conditions 26, 26A, 26B and 26C are not intended to limit the operation of section 143A of the **EPBC Act** which allows the **approval holder** to submit a revised plan to the **Minister** for approval.
27. If, at any time after five 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**.
28. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans referred to in these conditions of approval on its website. Each management plan must be published on the website within one month of being approved by the **Minister** or updated 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: is the first instance of any specified activity. 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 activities. Commencement does not include:

- a) minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs; or
- b) activities that
 - i. are critical to commencement; and
 - ii. are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of development;
 - iii. but only if such activities will have no adverse impact on matters of national environmental significance, and the proponent has notified the Department in writing before an activity is undertaken.

Conservation advice means a conservation advice approved by the Minister under section 266B(2) of the EPBC Act.

Control monitoring sites means analogous monitoring points that are close to the project but outside of the project's likely impact zone for the purpose of comparison with impacted areas.

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

Drawdown limit/s means the reduction in groundwater head that must not be exceeded.

Early warning monitoring bores means monitoring bores which have been located to provide early indications of where and when threshold triggers are exceeded.

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

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

EPBC Act listed threatened species means a threatened flora or fauna species (other than a conservation dependent species) included in the relevant list under the EPBC Act at the time a decision was made under section 75 of the EPBC Act.

Groundwater resource includes but is not limited to the Oakey Creek alluvial aquifer, Tertiary Basalt aquifer, Walloon Coal Measures and Marburg Sandstone Aquifer.

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

IESC means the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.

IESC advice means Advice to the decision maker on coal mining projects IESC 2016-081: *New Acland Coal Mine Stage 3 (EBC 2007/3423) – Expansion* (14 December 2016).

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.

Long term phases means the long term period post mining after a new groundwater equilibrium has been reached.

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

Mining activities means mining coal from the coal measures including the removal of overburden.

Offsets for the Oakey Creek Alluvium and Tertiary Basalt Aquifers may comprise a retirement of part or all of an existing entitlement, or purchase and retirement of a new entitlement.

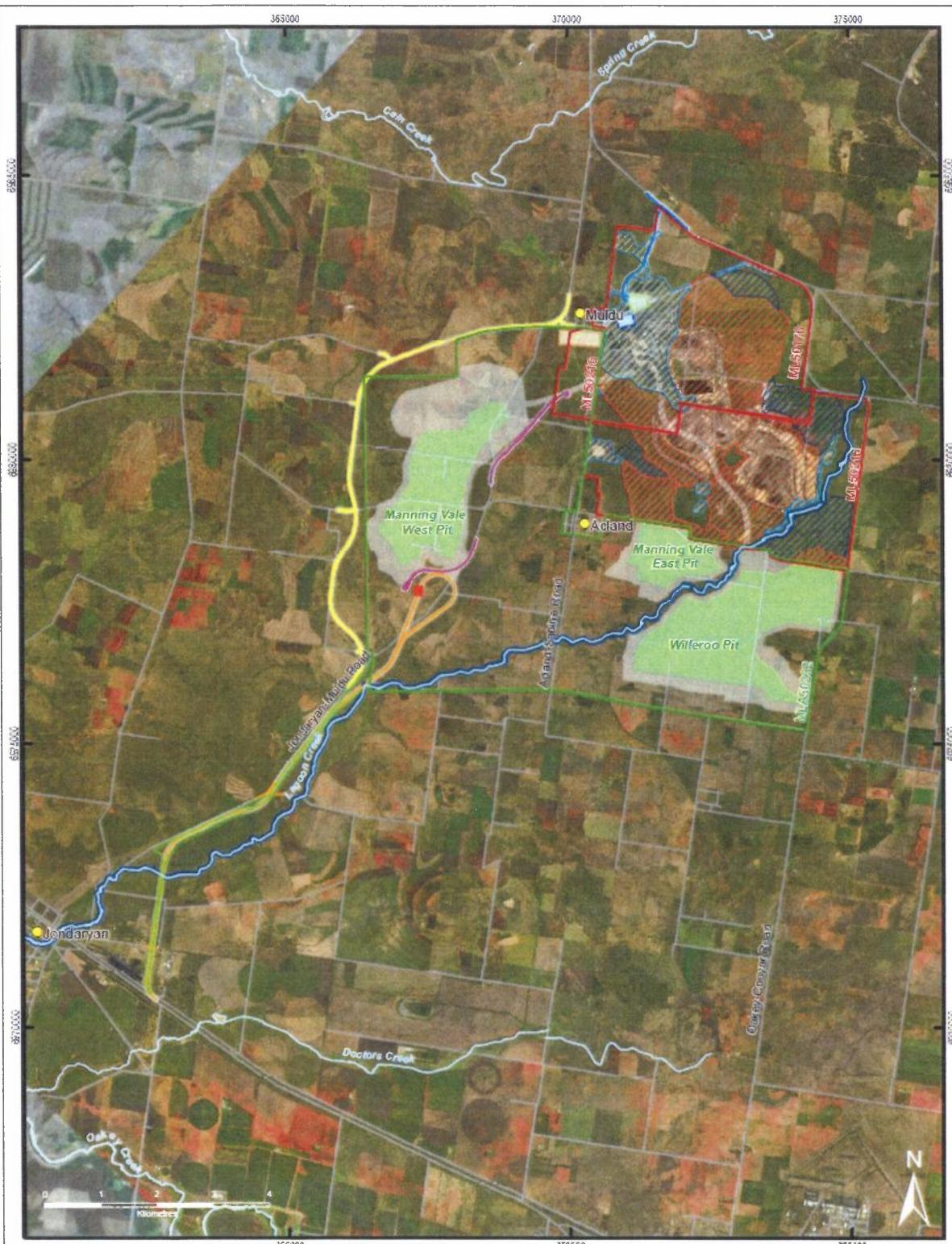
Project area means the area identified as the Stage 3 Tenements shown in Attachment A.

Queensland Government authorities means authorities who have a role in regulating activities relating to water resources.

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

Threshold triggers means triggers in place for early warning monitoring bores that identify when further investigation and management responses are required.

ATTACHMENT A



LEGEND

- Towns and Localities
- Train Loadout Facility
- Revised Rail & Road Infrastructure
 - Internal Haulage Road
 - Revised Access to Mine
 - Revised Jondaryan-Maldon Road Diversion
 - Revised Rail Spur and Balloon Loop Alignment

— Roads

Creeks

■ Stage 2 Tenements

■ Stage 3 Tenements

Disturbance Footprint Area

■ Stage 3 Pit Areas

■ Watercourse Buffer

Disturbance Areas - Stage 2

■ Mining Areas

■ Other Surface Infrastructure Areas

■ Out of Pit Dumping Areas



NEW ACLAND COAL MINE STAGE 3 PROJECT

Figure 1 - Revised Project
Overview

Scale 1:90,000 on A4
Projection: Australian Geodetic Datum – Zone 56 (AGD84)

