


Approval

Moranbah South Coal Project, Queensland (EPBC 2012/6337)

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	Anglo American Metallurgical Coal Pty Ltd
proponent's ABN	ABN: 93 076 059 679
proposed action	The Moranbah South Project comprises the construction and operation of a greenfield underground coal mine in Central Queensland. The project is located directly to the south of the township of Moranbah, approximately 150km south-west of Mackay.
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)
Conditions of approval	This approval is subject to the conditions specified below.
expiry date of approval	This approval has effect until 30 September 2065
Decision-maker	
name and position	Deb Callister Assistant Secretary Queensland and Sea Dumping Assessment Branch
signature	
date of decision	20 November 2014

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 Moranbah South Project Site as shown at Attachment A.
3. To protect **EPBC Act listed threatened species and communities** within the **project area**, the 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 for clearing to establish surface infrastructure (hectares)
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	11
Natural Grasslands Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin	343
Threatened Species	Maximum disturbance limits for clearing to establish surface infrastructure (hectares of high value habitat)
King Blue-grass (<i>Dichanthium queenslandicum</i>)	105
A bluegrass <i>Dichanthium setosum</i>	48
Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>)	483
Ornamental Snake (<i>Denisonia maculata</i>)	2
Red Goshawk (<i>Erythrorhynchus radiatus</i>)	7
Koala (<i>Phascolarctos cinereus</i>)	74

EPBC Species Impact Management

4. The **approval holder** must prepare and submit a Matters of National Environmental Significance Management Plan (MNESMP) for the written approval of the **Minister**. 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 **suitably qualified person** 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, including **impacts** such as changes to hydrology that may result from subsidence;

- 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**;
- 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;
- e. a schedule of regular reporting to the Department of the outcomes of the monitoring programs in 4(d), including any **impacts** of the project on **EPBC Act listed threatened species and communities** and their habitat resulting from subsidence;
- f. arrangements to include in reports independent analysis and certification by a **suitably qualified person** regarding the effectiveness of any drainage remediation works in maintaining the quality and area of **EPBC Act listed threatened species and communities** and their habitat; and
- g. adaptive management measures and/or offsets for significant residual **impacts** in the event that the reporting required at condition 4(e) show **impacts on EPBC Act listed threatened species and communities** and their habitat resulting from the effects of subsidence are greater than those predicted at Table 6 of Appendix K of the Formal Response to Public Submissions on the EIS or Table 3 of the Review of Potential Impacts on the Koala (in the case of the koala).

5. The **approval holder** must not **commence** the action until the **Minister** has approved the MNESMP in writing. The approved MNESMP must be implemented.

Note 1: The approval holder may align the 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.

Offsets

6. The **approval holder** must provide environmental offsets for authorised unavoidable **impacts to Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin, King Blue-grass (*Dichanthium queenslandicum*), Squatter Pigeon (southern) (*Geophaps scripta scripta*) and Koala (*Phascolarctos cinereus*)**. The **approval holder** must ensure that environmental offsets comply with the principles of the **EPBC Act Environmental Offsets Policy**.
7. Prior to the **commencement** of the action, 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 **EPBC Act listed threatened species and communities** 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.

- 8. 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.

Note 2: The approval holder may align the 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. An Offset may satisfy offset requirements for more than one of the environmental values identified in Table 2 where offset requirements overlap.

Water management and monitoring

- 9. The **approval holder** must submit a Groundwater Management and Monitoring Plan (GMMP) at least three months prior to **commencement of mining activities**, for the written approval of the **Minister**. The GMMP must contain:
 - a. details of a groundwater monitoring network for the measurement of **impacts** on water resources associated directly or indirectly with the approved action; including the ability to:
 - (i) provide for the early detection of any changes in groundwater levels and groundwater quality and changes in connectivity with surface water;
 - (ii) monitor changes to the **project area** water balance, including potential **impacts** from faults; and
 - (iii) monitor changes to water availability for the environment.
 - b. a rationale for the design of the monitoring network with respect to the nature of potential **impacts**;
 - c. details of proposed early warning trigger values for detecting **impacts** on groundwater levels and a description of how and when they will be finalised;
 - d. details of proposed early warning trigger values for detecting **impacts** on groundwater quality and a description of how and when they will be finalised;
 - e. details of a risk based exceedance response for the actions the **approval holder** will take and the timeframes in which these actions will be undertaken if early warning indicators and trigger threshold values are exceeded;
 - f. details of the timeframe for a regular review of the GMMP and subsequent updates of the GMMP;
 - g. provisions to make monitoring results publicly available on the **approval holder's** website for the life of the project; and
 - h. provisions to make monitoring data available to the **Department and Queensland Government authorities** (if requested) for inclusion in any cumulative impact assessment, regional water balance model, bioregional assessment or relevant research.

Note 3: The approval holder may align the 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.

- 10. The **approval holder** must not **commence mining activities** until the GMMP has been approved by the **Minister** in writing. The **approval holder** must implement the approved GMMP.

11. The GMMP and any revised plan must be peer reviewed by a **suitably qualified water resources expert/s**. The peer review must be submitted to the **Minister** together with the GMMP and a statement from the **suitably qualified water resources expert/s** stating that they carried out the peer review and endorse the findings and the content of the GMMP.

General

12. 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**.
13. 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.
14. 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 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.
15. 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 when the approval holder will rectify the non-compliance.
16. 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**.
17. If the **approval holder** wishes to carry out any activity other than in accordance with the management plans as specified in the conditions, 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.

18. If the **Minister** believes that it is necessary or convenient for the better protection of EPBC Act listed threatened species or a water resource in relation to coal seam gas development or a large coal mining development to do so, the **Minister** may request that the **approval holder** make specified revisions to the management plans specified in the conditions and submit the revised management plan for the **Minister's** written approval. The **approval holder** must comply with any such request within the timeframe specified by the **Minister**. The revised approved management plan must be implemented. Unless the **Minister** has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.
19. 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**.
20. 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 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: 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 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.

Expert panel: means an expert panel appointed by the Minister.

High value habitat means high value habitat as defined in the *Moranbah South Project EIS – Matters of National Environmental Significance Report* (EIS Appendix Q) (MNES Report), dated 31 May 2013 and, for Koala, the *Moranbah South Project Review of Potential Impacts on the Koala* (Koala Report), dated 18 August 2014.

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.

Mining activities: means commercial extraction of coal.

Project area: means the area identified as the project area shown as the Moranbah South Project Site shown in Attachment A.

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

Recovery plan: means a recovery plan approved by the Minister under the EPBC Act for an EPBC listed species or EPBC community.

Suitably qualified person 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.

Suitably qualified water resources expert/s: means a natural person with at least a postgraduate degree (or equivalent) in a suitable area (such as hydrology or hydrogeology) and a minimum of 10 (ten) years relevant experience in water resources assessment, including at least one year of experience in Australia.

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

ATTACHMENT A

