



BHP Billiton Mitsubishi Alliance

EPBC 2008/4417

Caval Ridge Mine

Compliance Report

Environmental Protection and Biodiversity Conservation Act 1999

September 2014

Caval Ridge Mine

The Caval Ridge Mine (CVM) is an open cut coal mine located within the Isaac Regional Council. The mine is approximately 6.2 km from Moranbah and approximately 160km south-west of Mackay, Queensland. CVM is operated by BM Alliance Coal Operations Pty Ltd (BMA).

CVM was subject to an assessment and approval process under Commonwealth and Queensland legislation. Commonwealth approval for the CVM Project, under section 130(1) and 133 of the *Environmental Protection and Biodiversity Act 1999* (EPBC Act) was granted on 18 March 2011. The approval and any subsequent variations are available at:

http://www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=4417

EPBC Act approval was granted for controlling provision 'Listed threaten species and communities (sections 18 &18A)', subject to conditions in Table 1. The expiry date of the approval is 31 March 2041.

Compliance Report

In accordance with condition 6 of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval (ref 2008/4417), this report provides an update of CVMP Project's compliance against the relevant approval conditions (Table 1).

Table 1: EBPC Act Approval Compliance Status

#	Condition	Status
1	<p>The person taking the action must not clear more than 25.2 ha of the EPBC listed "Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)" endangered ecological community and 124.6 ha of the EPBC listed Bluegrass (<i>Dichanthium</i> spp) dominant grasslands of the Brigalow Belt Bioregions (North and South) endangered ecological community, (now included within the "Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin" ecological community).</p>	<p>Clearing activities are being carried out in accordance with the CVM Threatened Flora, Fauna and Ecological Communities Management Plan developed under this approval. Areas cleared are within the hectare limits specified in this condition.</p> <p>CVM has EPBC listed "Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)" endangered ecological community (EEC) which encompasses Queensland Regional Ecosystems (RE) 11.4.3, 11.4.8 and 11.4.9. CVM has cleared 4.2 Ha of Brigalow EEC.</p> <p>CVM has EPBC listed "Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin" EEC consisting of RE 11.8.11. CVM has cleared 31.1 Ha.</p>
2 – 2(k)	<p>To offset the impacts to the "Brigalow (<i>Acacia harpophylla</i> dominant and codominant)" endangered ecological community and the Bluegrass (<i>Dichanthium</i> spp) dominant grasslands of the Brigalow Belt Bioregions (North and South) endangered ecological community, (now included within the "Natural Grasslands of the Queensland Central highlands and the northern Fitzroy Basin" endangered ecological community), the person taking the action must, before commencement of operations (excluding early works), obtain the Minister's approval of an Offset Management Plan for the Norwich Park Nature Refuge and the Gregory Crinum Offset Area.</p> <p>This Plan must include:</p> <ul style="list-style-type: none"> a. management actions to: <ul style="list-style-type: none"> i. protect and enhance no less than 126 hectares of the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community in the Norwich Park Nature Refuge, within the areas identified in the map at Appendix 1; and 	<p>Department of the Environment (Commonwealth) approval for the Caval Ridge Mine Offset Management Plan (OMP), Reversion E (submitted 11 March 2014), which includes Norwich Park Nature Refuge and Balmoral Offset Area, was obtained on 23 April 2014.</p> <p>BMA was required to obtain approval of the OMP from the Minister prior to commencement of operations, excluding early works. Construction works at Caval Ridge Mine commenced in 2012. BMA submitted two previous draft OMP to the Department in September 2011 and April 2012. OMP, Revision E of 11 March 2014, was approved by the Minister's delegate on 23 April 2014.</p> <p>The OMP addresses both State and Commonwealth offset requirements. The Plans sets out the actions, including identifying offset areas, management actions, monitoring and reporting requirements. BMA has</p>



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	<p>ii. ii. protect and enhance 733.3 hectares of Bluegrass (<i>Dichanthium</i> spp) dominant grasslands of the Brigalow Belt Bioregions (North and South) ecological community in the Gregory Crinum Offset Area, within the areas identified in the map at Appendix 2.</p> <p>The approved Offset Management Plan must be implemented.</p>	<p>commenced implementing the approved OMP and initial activities will focus on the baseline assessments of the offset areas.</p> <p>CVM Offset Management Plan, Table 4, outlines the biodiversity offsets for the CVM Project.</p> <p>The offset area at Norwich Park is 140 Ha of Brigalow EEC, RE 11.4.9.</p> <p>The offset area at Blackwater is 225.6 Ha of RE 11.3.2 and 115.8 Ha of RE 11.3.2/11.3.25/11.3.4.</p> <p>The offset area at Balmoral is 383.3 Ha of Natural Grasslands EEC, RE 11.8.11 and 350 Ha of degraded grasslands to be restored.</p> <p><i>Note:</i> 'Gregory Crinum Offset Area' has subsequently been re-named as 'Balmoral'.</p>
<p>3</p>	<p>The Gregory Crinum Offset Area must be protected by a Nature Refuge Agreement within two years of the date of this approval.</p>	<p>Caval Ridge Mine, on 9 May 2014, requested a variation to varied condition 3 of the EPBC 2008/4417 approval.</p> <p>In accordance with Section 143(1)(c)(i) of EPBC Act, a delegate of the Minister for the Environment granted a further 6 months extension to legally secure the Balmoral offset area.</p> <p>Variation to conditions of Caval Ridge Mine EPBC 2007/4417 approval. Delete varied condition 3 of 13 May 2013 and substitute the condition specified below.</p> <p>"3. The Gregory Crinum (Balmoral) Offset Area must be protected by a Voluntary Declaration under the <i>Vegetation Management Act 1999</i> (Qld) or other legal mechanism acceptable to the Minister with 6 months of the date of this variation notice."</p> <p>Date of decision 19 June 2014.</p>
<p>4</p>	<p>Before commencement of operations (excluding early works), the person taking the action must submit to the Minister for approval a "Threatened Flora and Fauna Species and Ecological Communities Management Plan". The Plan must contain, but is not limited to, the following:</p> <ul style="list-style-type: none"> a. Management actions relating to EPBC listed species and ecological communities; and b. Mitigation actions relating to EPBC listed species and ecological communities. 	<p>The CVM Threatened Flora, Fauna and Ecological Communities Management Plan was submitted to the Department for approval in May 2011. The Plan was approved by a delegate of the Minister for the Environment on 3 June 2014.</p>



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	The approved Threatened Flora and Fauna Species and Ecological Communities Management Plan must be implemented. Any changes to the Threatened Flora and Fauna Species and Ecological Communities Management Plan must be approved by the Minister and approved variations to the Plan must be implemented. This plan may be made publicly available on the internet by the Department.	
5	Within 14 days from the commencement of the action (excluding early works), the person taking the action must advise the Department in writing of the actual date of commencement.	Written notification was provided to the Department on 8 June 2012 (REF CRM-GCO-LT 0081) to advise the Department that construction works which constitute the 'Commencement of Operations' as defined by the approved, has commenced on site.
6	Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans 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.	The information provided in this report addresses this condition.
7	Upon the direction of the Minister, the person taking the action 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.	The Department requested that BMA provide an update on the status of the project's activities relevant to the approval. A response was provided in February 2013.
8	If the person taking the action wishes to carry out any activity otherwise than in accordance with the Offset Management Plan and Threatened Flora and Fauna Species and Ecological Communities Management Plan referred to in conditions 2 and 4 the person taking the action must submit for the Minister's written approval a revised version of any such plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. If the Minister approves such a revised plan, that plan must be implemented in place of the plan originally approved. Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in conditions 2 and 4.	All activities being carried out are in accordance with the CVM Offset Management Plan and Threatened Flora and Fauna Species and Ecological Communities Management Plan. A revised version of the Caval Ridge Mine Threatened Flora and Fauna Species and Ecological Communities Management Plan, for the operational phase of CVM, was submitted to the Department on 2 September 2014.
9	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the plans pursuant to conditions' 2 and 4 and submit the revised plan for the Minister's written approval. The person taking the action	The CVM Threatened Flora, Fauna and Ecological Communities Management Plan was submitted to the Department for approval in May 2011. The Plan was revised to include changes as requested by the Department in April 2012.



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	<p>must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan then the person taking the action must continue to implement the plan originally approved, referred to in conditions 2 and 4.</p>	
10	<p>If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.</p>	<p>Construction works commenced on site in June 2012. A letter was issued to the Department confirming the 'Commencement of Operations' as defined by the approval.</p>
11	<p>The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above 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.</p>	<p>CVM has records substantiating all activities associated with or relevant to the conditions of approval. If requested by the Department or an independent auditor, records will be made available.</p>
12	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each plan must be published on the website within 1 month of being approved.</p>	<p>The Plans were submitted to the Department for publication on the website.</p>

Offset Management Areas

Maps of the Norwich Park Nature refuge area, Balmoral and Blackwater offset management plan areas are shown in Figures 1-5.

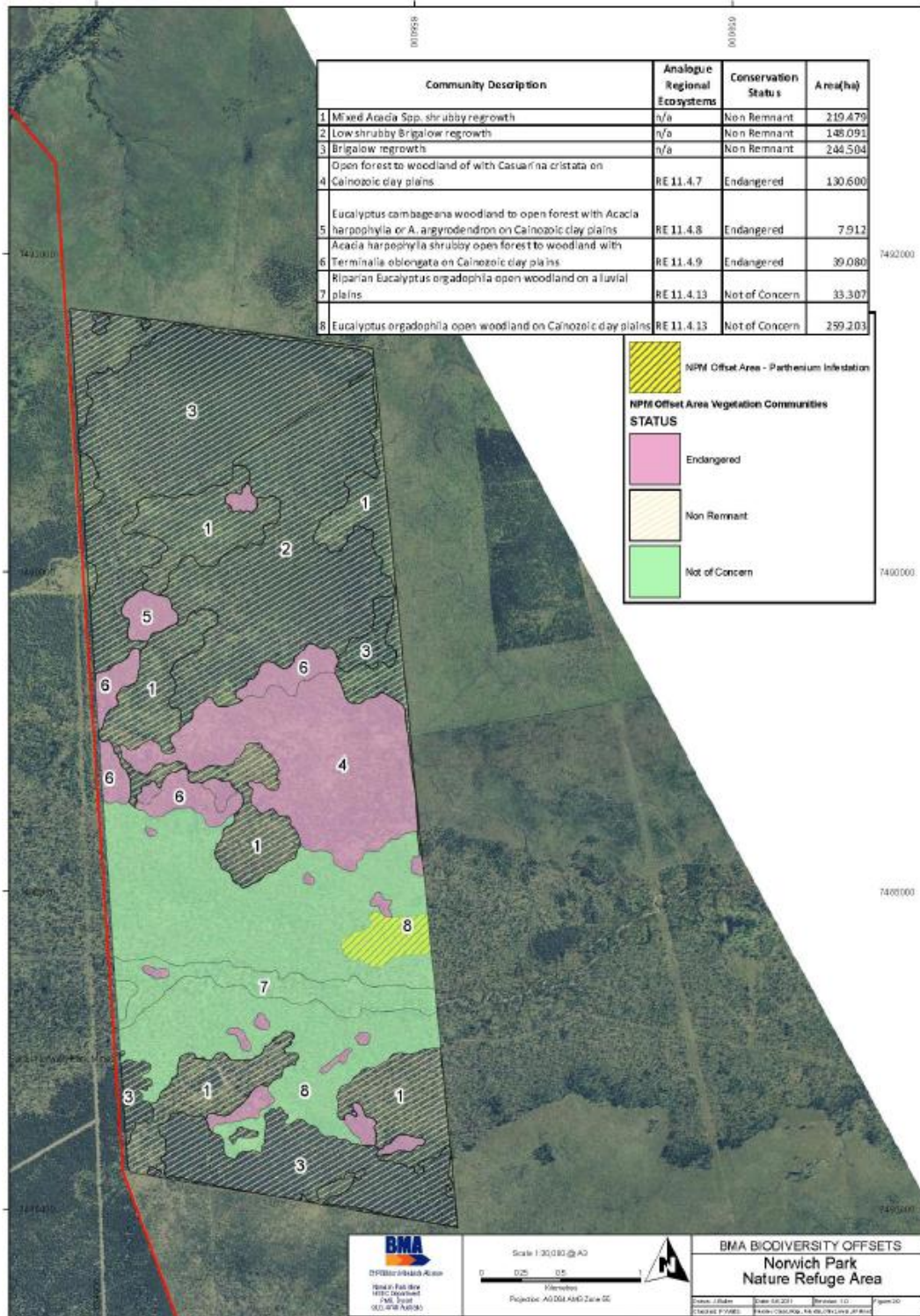


Figure 1: Norwich Park Nature Refuge Area Offset

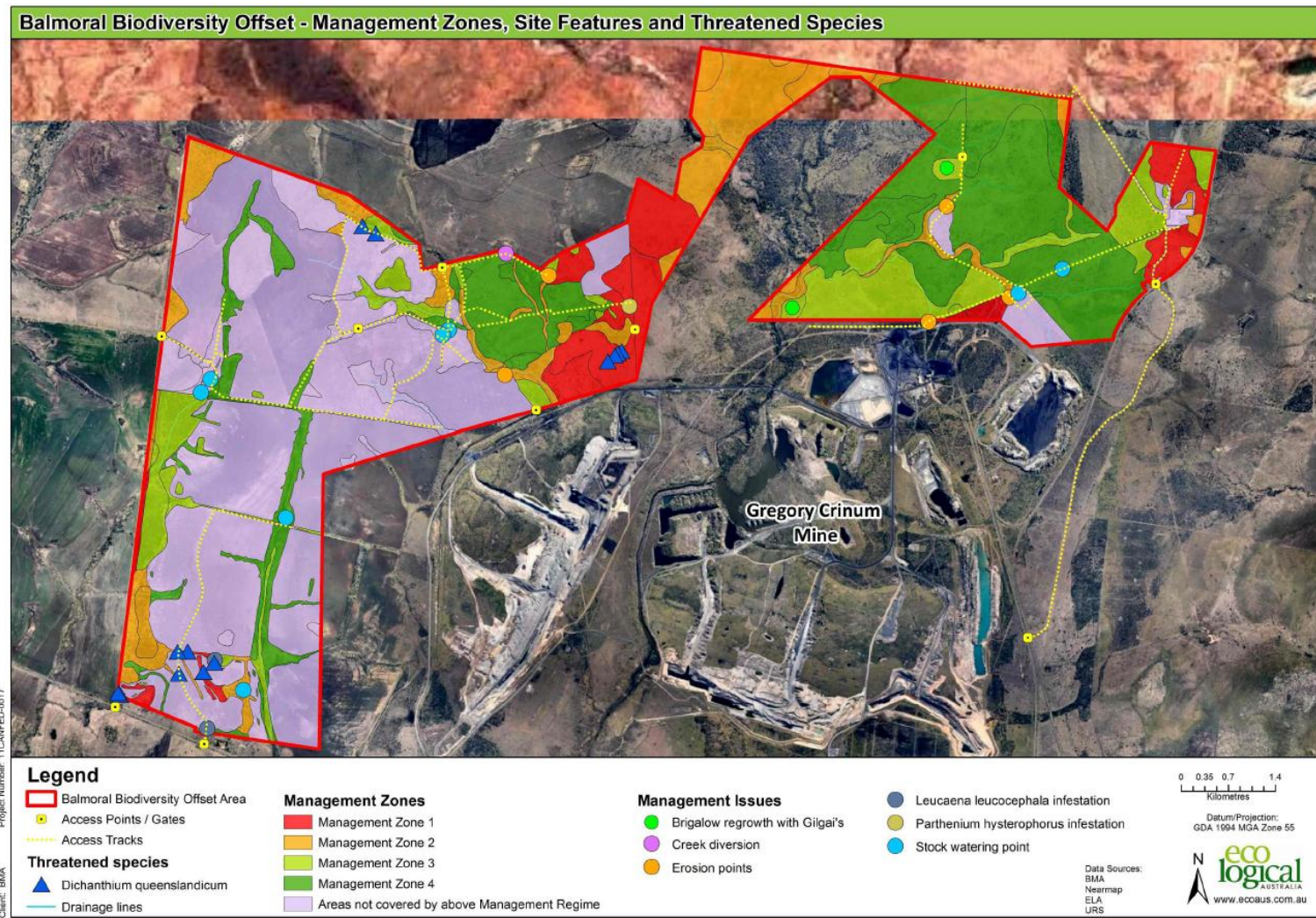


Figure 2: Balmoral Biodiversity Offset Area – Management Zones & Threatened Species

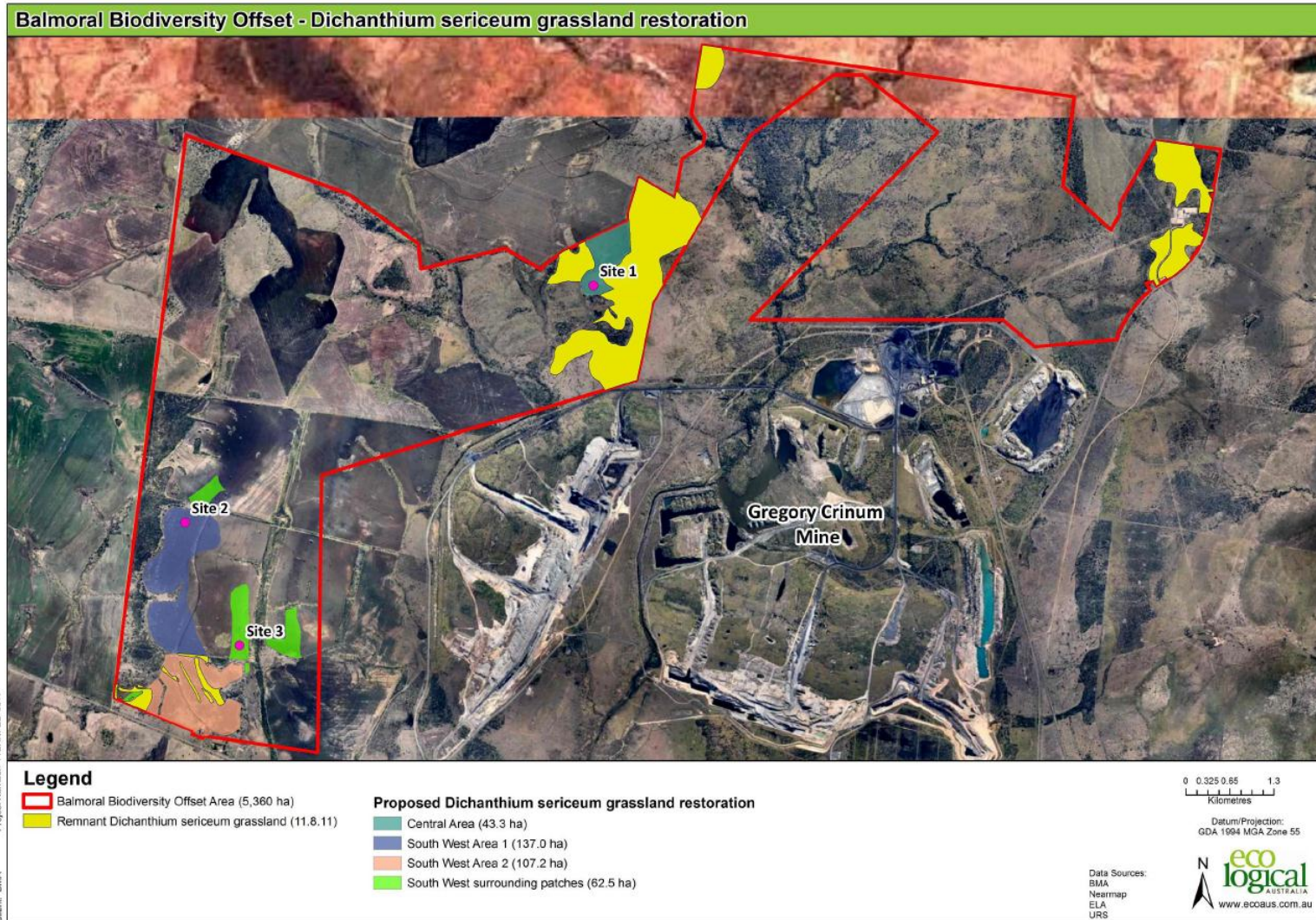


Figure 3: Balmoral Biodiversity Offset – *Dichanthium sericeum* grassland restoration



Figure 4: Blackwater Biodiversity Offset Area – Regional Ecosystem 11.3.2



Figure 5: Blackwater Biodiversity Offset Area - Mixed Vegetation Group