

South Walker Creek Mine – Mulgrave Pit Extension Compliance Report

*Environmental Protection and Biodiversity Conservation Act 1999
Approval Reference EPBC2014-7272*

23 June 2016

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Introduction

South Walker Creek Mine (SWC) is an open-cut coal mine owned by BHP Billiton Mitsui Coal (BMC). The mine is located approximately 25km west-south west of Nebo, Queensland in the Bowen Basin within the boundaries of Mine Lease 4750 (ML4750). The mine can be accessed via Peak Downs Highway from Mackay.

Mining is authorised by the Queensland Government through the historical grant of Mine Leases and associated surface rights. Activity at SWC is also further regulated under Environmental Authority MIN100552107.

To enable the continuation of mining at SWC, BMC sought a federal approval under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* for potential impact on Matters of National Environmental Significance (MNES) due to further development of the existing 'Mulgrave' open cut mining pit. This approval was granted on the 16th of January 2015. Construction in the approval area commenced on the 30th March 2015.

The following report is to address compliance with all conditions in accordance with condition 9 of the *EPBC Act* approval (Approval Reference EPBC2014-7272):

"For the duration of this approval, within 3months of every 12month anniversary of the commencement of construction the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions...."

South Walker Creek Mine – Mulgrave Pit Extension Compliance Report

In accordance with condition 9 of the *EPBC Act* approval (Approval Reference EPBC2014-7272), this report provides an update of SWC's compliance against the relevant approval conditions (Table 1).

Table 1: South Walker Creek Mine – Mulgrave Pit Extension Compliance Report

Condition Number	Condition	Status
1	The project area located approximately 25 kilometres west-south west of Nebo, Queensland is the area designated in Annexure A and includes areas contained within Mining Lease (ML) 4750. The approval holder must not clear outside of the project area.	Clearing activities are being carried out in accordance with the approved Offset Management Plans and site disturbance procedures.
2	The approval holder must not clear more than 59 hectares of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community within the project area, which includes 17.5 hectares of Ornamental Snake (<i>Denisonia maculata</i>) habitat.	Clearing activities are being carried out in accordance with the approved Offset Management Plans. Areas cleared are within the hectare limits specified in this condition.
3	To compensate for authorised unavoidable impacts on MNES (see condition 3), the approval holder must submit offset management plans to the Minister for approval. The approval holder must not undertake substantial commencement until the Minister has approved the offset management plans in writing. The approved offset management plans must be implemented.	The Offset Management Plans were submitted to the Department and approved.
4	The offset management plan for Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community must be located at Dabin Holdings (Lot 2SP 214117), a property within the Isaac Regional Council, Queensland (shown at Annexure 8). The offset must include at least 125 hectares of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community as proposed in the	The Offset Management Plans were submitted to the Department for approval on the 18 August 2015. The Plans were approved by a delegate of the Minister for the Environment on the 26 August 2015.

Condition Number	Condition	Status
	preliminary documentation. The Brigalow offset management Plan must be submitted to the Minister prior to substantial commencement of the action. The approved Brigalow Offset Management Plan must be implemented.	
5	The offset management plan for Ornamental Snake (<i>Denisonia maculata</i>) will be calculated consistent with the offsets assessment guide, and be influenced by the site quality, site condition and species richness, but will exceed the 17.5 hectares impacted in the project area. The offset management plans must be agreed by the Minister within 6 months of commencement of the Walker Creek diversion and prior to substantial commencement.	The Mulgrave Ornamental Snake Offset Delivery Plan (ref: 20141889C) was submitted to the Department for approval on the 30 June 2015. The Plans were approved by a delegate of the Minister for the Environment on the 28 July 2015.
6	<p>The offset management plans must include, but not be limited to, the following information for both Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community and Ornamental Snake (<i>Denisonia maculata</i>):</p> <ol style="list-style-type: none"> a) details of the offset attributes (including maps in electronic Geographic Information System (GIS) format with accompanying shapefiles) , site descriptions, environmental values relevant to MNES, connectivity with other habitat and biodiversity corridors , a rehabilitation program, and conservation and management measures for long-term protection; b) a detailed survey and description of the offset site, by a qualified ecologist, to clearly identify baseline conditions, establish performance indicators and discuss methods for adaptive management. This must include but not be limited to: <ol style="list-style-type: none"> i) a description (prior to any management activities, hence a baseline) of the current condition of the extant vegetation of each offset area location of survey points (GPS reference); ii) the quantity of habitat for EPBC Act listed species or communities (in hectares), found within each offset area; iii) the condition class of habitat for EPBC Act listed species or 	As approved by the Minister for the Environment, the offset management plans consist of the required components.

Condition Number	Condition	Status
	<p>communities found within each offset area;</p> <ul style="list-style-type: none"> iv) vegetation condition mapping; v) photo reference points; vi) tree age class representation; vii) percentage tree canopy cover; viii) number of native plant species in ground layer ; ix) percentage of native and foreign grass cover and whether the grass species are annual or perennial ; x) description of fauna habitat including condition, type and connectivity; and xi) fauna surveys (fauna assemblages and species richness) including but not limited to EPBC Act listed species. <p>c) plans to improve upon the baseline condition of Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat consistent with EPBC listing advice. These plans must include:</p> <ul style="list-style-type: none"> i) a map showing areas to be managed; ii) management actions for each area and details of methods to be used. These must include: <ul style="list-style-type: none"> (a) actions consistent with objectives stated in relevant threat abatement plans; and (b) weed control measures to reduce/control the presence of foreign perennial weeds within Brigalow (Acacia harpophylla 	

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	<p style="text-align: center;">dominant and co-dominant) ecological community and Ornamental Snake habitat</p> <ul style="list-style-type: none"> iii) timing of management activity for each area; iv) performance criteria for each area; v) a set of measurable ecological indicators for detecting changes to the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat; vi) a monitoring plan to assess the success of the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat. This should include, but not be limited to, control sites and periodic ecological surveys to be undertaken by a qualified ecologist; vii) a description of the potential risks to successful management against the performance criteria, and a description of the contingency measures that would be implemented to mitigate these risks; viii) a process to report to the Department, the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement; and ix) details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor; and <p>d) a completed offsets assessment guide for the proposed offset site and a discussion as to how figures used to complete the offsets assessment</p>	

Condition Number	Condition	Status
	guide were derived.	
7	The approval holder must, within 2 years of commencement of construction (or as required under relevant Queensland legislation, whichever is earlier), register a legally binding conservation mechanism over the offset areas approved by the Minister in the offset management plan, described in conditions 3-5.	BMC requested a voluntary declaration for Mulgrave - Zamia Creek Property. Voluntary Declaration was certified on 21 August 2015. A voluntary declaration approval is in for Mulgrave - Dabin Holdings Property is in process.
8	Within 14 days after the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.	Written notification was provided to the Department on 30 March 2015 to advise the Department that construction works which constitute the 'Commencement of Operations' as defined by the approval, have commenced on site.
9	For the duration of this approval, within 3 months of every 12 months anniversary of the commencement of construction the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any 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 approval holder must also notify any non-compliance with this approval to the Department in writing within 2 business days of becoming aware of the non-compliance.	This report addresses this condition. This annual compliance report will be published on the BHP Billiton website and evidence will be submitted to the Department.
10	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.	The Minister has not requested for BMC to conduct an independent audit of compliance with the conditions of approval, at this point in time.

Condition Number	Condition	Status
11	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with the 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 plan. The varied activity shall not commence until the Minister has approved the revised plan in writing.</p> <p>The Minister will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the Minister approves the revised plan that plan must be implemented in place of the plan originally approved.</p>	All activities being carried out are in accordance with the approved management plans.
12	<p>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 approval holder make specified revisions to the management plan specified in the conditions and submit the revised plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan then the approval holder must continue to implement the originally approved plan, as specified in the conditions.</p>	No revisions were requested by the Minister during submission of the management plans.
13	<p>If, at any time after 5 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.</p>	Construction works commenced on site in March 2015. A letter was issued to the Department confirming the 'Commencement of Operations' as defined by the approval.
14	<p>The approval holder must maintain accurate records substantiating all activities and outcomes 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>	BMC 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.

Condition Number	Condition	Status
15	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 their website. Each management plan must be published on the website within 1 month of being approved and remain published for the life of this approval.	The approved Offset Management Plans referred to in the approval conditions have been published on the BHP Billiton website.