



Approval

South Walker Creek Mulgrave Pit extension, near Nebo, Queensland EPBC2014-7272

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 BHP Billiton Mitsui Coal Pty Ltd

proponent's ACN (if applicable) ACN: 009 713 875

proposed action To continue mining at the existing South Walker Creek Mine through a further development of the existing Mulgrave open cut pit, 25km west-south-west of Nebo, Queensland in the Bowen Basin.
[See EPBC Act referral 2014/7272].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 January 2036.

Decision-maker

name and position Deb Callister
Assistant Secretary
Environment Assessment Branch

signature



date of decision

16 January 2015

Conditions

Project area

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**.

Disturbance limits

2. The **approval holder** must not clear more than 59 hectares of **Brigalow (*Acacia harpophylla* dominant and co-dominant)** ecological community within the **project area**, which includes 17.5 hectares of **Ornamental Snake (*Denisonia maculata*)** habitat.

Offset Management Plan

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.
4. The offset management plan for **Brigalow (*Acacia harpophylla* 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 B). The offset must include at least 125 hectares of **Brigalow (*Acacia harpophylla* dominant and co-dominant)** ecological community as proposed in the 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 (*Denisonia maculata*)** 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**.
6. The offset management plans must include, but not be limited to, the following information for both **Brigalow (*Acacia harpophylla* dominant and co-dominant)** ecological community and **Ornamental Snake (*Denisonia maculata*)**:
 - 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:
- 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 communities** found within each offset area;
 - 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.
- 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:
- i. a map showing areas to be managed;
 - ii. management actions for each area and details of methods to be used. These must include:
 - 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* dominant and co-dominant)** ecological community and **Ornamental Snake habitat**.
 - 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
 - d) a completed **offsets assessment guide** for the proposed offset site and a discussion as to how figures used to complete the **offsets assessment guide** were derived.

Mechanism to secure offsets

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.

General

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**.
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.
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**.
11. 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. 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.
12. 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.
13. 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**.

14. 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.
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.

Definitions:

Approval holder: means the person to whom the approval is granted.

BioConditions Benchmarks: refers to BioCondition Benchmarks for Regional Ecosystem Condition Assessment (Brigalow Belt)
(<https://www.qld.gov.au/environment/assets/documents/plants-animals/biodiversity/brb-benchmarks.pdf>)

Brigalow (*Acacia harpophylla* dominant and co-dominant): means the threatened ecological community listed under the **EPBC Act**.

Brigalow listed ecological community: includes patches of **Brigalow (*Acacia harpophylla* dominant and co-dominant)**:

- a) that are at least 0.5 hectares in size;
- b) that consist of less than 50% foreign perennial weeds; and
- c) where regrowth is at least 15 years old.

Condition class: refers to a classification of the quality of habitat for **EPBC Act listed species or communities** and what environmental elements define those classes. The classes must consider information available on the Department's Species Profile and Threats Database (SPRAT).

Commence/ment of construction: means any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure.

Department: the Australian Government department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

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

EPBC Act Offsets Policy: means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* (October 2012) or any subsequent revisions.

EPBC Act listed species or community/ies: means a threatened species or community, or a migratory species listed under the **EPBC Act**.

Habitat: has the definition assigned to it in section 528 of the **EPBC Act**.

Impact/s/ed: has the definition assigned to it in section 527E of the **EPBC Act**.

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

Matters of National Environmental Significance/ MNES: means matters of national environmental significance, being the relevant matters protected under Part 3 of the **EPBC Act**.

Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin: means the threatened ecological community listed under the **EPBC Act**.

Offset attributes: means an '.xls' file capturing relevant attributes of the Offset property/properties, including the **EPBC Act** reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the **EPBC Act** protected matters that the offset compensates for, any additional **EPBC Act MNES** that are benefiting from the offset, and the size of the offset in hectares.

Offsets assessment guide: refers to the offsets assessment guide which accompanies the offsets policy. This guide is available on the **Department's** website and has been developed to give effect to the policy's requirements, utilising a balance sheet approach to quantify impacts and offsets.

Person: means a human being, a business entity (including sole trader) or corporation.

Qualified ecologist: means a person who has professional qualifications, training, skills or experience related to ecology and can give authoritative assessment, advice and analysis on

performance relative to the subject matter using the relative protocols, standards, methods or literature.

Relevant threat abatement plans refers to the *Threat abatement plans* for:

- a) *Competition and land degradation by unmanaged goats* (Department of the Environment, Water, Heritage and the Arts, 2008);
- b) *Predation, habitat degradation, competition and disease transmission by feral pigs* (Department of the Environment and Heritage, 2005); and
- c) *Competition and land degradation by rabbits* (Department of the Environment, Water, Heritage and the Arts, 2008).

Shapefiles: means an ESRI Shapefiles containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and **EPBC Act MNES** present at the relevant site. Attributes should also be captured in '.xls' format. A geographically referenced raster 'img' file/s must be provided to provide context for the shapefiles.

Substantial commencement: refers to a stage in the project when coal is being extracted from the project area for the purpose of commercial production.

Tree age class representation: refers to the age of the tree, if the tree is regrowth vegetation or whether the tree is remnant vegetation.





