Approval

Caval Ridge Coal Mine Project – EPBC No 2008/4417

This decision is made under sections 130(1) and 133 of the Environment Protection and Biodiversity Conservation Act 1999.

Proposed action

<table>
<thead>
<tr>
<th>person to whom the approval is granted</th>
<th>BM Alliance Coal Operations Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>proponent's ACN (if applicable)</td>
<td>67096412752</td>
</tr>
<tr>
<td>proposed action</td>
<td>To develop a new open cut coal mine at Caval Ridge located approximately 6.2 km south of Moranbah and approximately 160 km south-west of Mackay, Queensland and as described in the referral received 26 August 2008, variation to referral request dated 12 October 2010, Environment Impact Statement dated July 2009, Supplementary Environment Impact Statement dated November 2009 and the BMA Caval Ridge Mine Project Change Request dated September 2010 – [See EPBC Act referral 2008/4417]</td>
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Approval decision

<table>
<thead>
<tr>
<th>Controlling Provision</th>
<th>Decision</th>
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<tbody>
<tr>
<td>Listed threatened species and communities (sections 18 &amp; 18A)</td>
<td>Approved</td>
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</table>

Conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval
This approval has effect until 31 March 2041.

Decision-maker

<table>
<thead>
<tr>
<th>name and position</th>
<th>James Barker</th>
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<tbody>
<tr>
<td></td>
<td>A/g Assistant Secretary</td>
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<td></td>
<td>Environment Assessment Branch</td>
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</table>

signature

date of decision

18/3/11
Conditions attached to the approval

1. The person taking the action must not clear more than 25.2 ha of the EPBC listed "Brigalow (Acacia harpophylla dominant and co-dominant)" endangered ecological community and 124.6 ha of the EPBC listed Bluegrass (Dichanthium 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).

2. To offset the impacts to the "Brigalow (Acacia harpophylla dominant and co-dominant)" endangered ecological community and the "Bluegrass (Dichanthium 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.

This plan must include:
   a. management actions to:
      i. protect and enhance no less than 126 hectares of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community in the Norwich Park Nature Refuge, within the areas identified in the map at Appendix 1; and
      ii. protect and enhance 733.3 hectares of Bluegrass (Dichanthium 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.
   b. the desired outcomes/objectives of implementing the plan;
   c. details of the Norwich Park Nature Refuge, including a clear definition of the location and boundaries of the Norwich Park Nature Refuge, through maps and/or textual descriptions as well as an accompanying shapefile;
   d. details of the Gregory Crinum Offset Area, including a clear definition of the location and boundaries of the Gregory Crinum Offset Area, through maps and/or textual descriptions as well as an accompanying shapefile;
   e. management actions that are proposed to protect offset areas and to enhance the extent and condition of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin ecological community habitat values including weed control, fire management, erosion and sediment control, management of livestock and restrictions on access;
   f. management actions for the long-term protection of the established Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Bluegrass (Dichanthium spp) dominant grasslands of the Brigalow Belt Bioregions (North and South) ecological community;
   g. the timing, responsibilities and performance criteria for such actions;
   h. the development and implementation of a monitoring program for enhancing the offset areas;
   i. a process to report to the Department the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management. For the five years after the commencement of operations (excluding early works) reports are to be submitted annually on or before the anniversary of the commencement of operations (excluding early works). Subsequently reports are to be submitted every fifth year on or before the anniversary of the commencement of operations (excluding early works);
j. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks; and

k. details of parties responsible for monitoring, reviewing and implementing the plan.

The approved Offset Management Plan must be implemented.

3. The Gregory Crinum Offset Area must be protected by a Nature Refuge Agreement within two years of the date of this approval.

4. 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:

   a. Management actions relating to EPBC listed species and ecological communities; and

   b. Mitigation actions relating to EPBC listed species and ecological communities.

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.

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.

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.

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.

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 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.

10. 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.

11. 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.

12. 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.

Footnote: To avoid doubt, if a condition of State (QLD) approval held by the proponent requires an Offset Management Plan or Threatened Flora and Fauna Species and Ecological Communities Management Plan, the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan.

Definitions


Minister - the Minister responsible for the Environment Protection and Biodiversity Conservation Act 1999.

Shapefile – an ESRI Shapefile, containing '.shp', '.shx' and '.dbf' files and other files capturing attributes including at least the EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.

Early Works
- vegetation clearing and construction activities related to the Buffel Accommodation Village;
- vegetation clearing and construction activities related to construction site offices, laydown areas, and ablution facilities;
- road construction and intersection upgrades for the Buffel Accommodation Village and Mine site;
- construction of 66kV power line to Buffel Accommodation Village and Mine site; and
- installation of environmental monitoring equipment and services.

Commencement of Operations – any works required to be undertaken in relation to the Caval Ridge Coal Mine Project.