

**Baralaba North Continued Operations Project – EPBC
2013/7036
Final Compliance Report**

Baralaba Coal Company Pty Ltd

5 March 2022 to 5 March 2023

Revision History

Revision No.	Revision Date	Details	Prepared by
00	10/05/2023	Final Compliance Report Baralaba North Continued Operations Project, 2023	B.Topp
01			

Contents

Revision History	2
Contents.....	3
Table of Figures.....	4
List of Tables	4
1.0 Introduction	5
1.1 Description of Activities	7
1.2 Declaration of Accuracy	7
2.0 Methods.....	8
2.1 Desktop Assessment	8
2.2 Site Assessment	8
2.3 Audit Criteria.....	8
2.4 EPBC Approval Compliance Investigation	9
3.0 Conclusion.....	16
References	17
Appendix 1: EPBC Approval 2013/7036.....	18
Appendix 2: Offset Voluntary Declaration	19

Table of Figures

Figure 1: Site Location.....	6
------------------------------	---

List of Tables

Table 1: Designation of Findings	8
--	---

1.0 Introduction

The Baralaba North Continued Operations Project (BNCOP) is an expansion of the existing open-cut operations at the Baralaba Coal Mine. The BNCOP area is located wholly within mining lease (ML) 80201 and covers approximately 2,498 hectares (ha) with a projected disturbance footprint of approximately 1,912ha (Figure 1).

BNCOP, as part of the greater Baralaba Coal Mine operation, is approved to extract 4.1 million tonnes per annum (Mtpa) of ROM Coal and produce up to 3.5Mtpa of low volatile pulverised coal injection (PCI) and thermal coal products for export.

Baralaba Coal Mine is located approximately 150km south-west of Rockhampton, 7km north-west of Baralaba and 45km north of Moura, in the lower (south-east) Bowen Basin region of Central Queensland and is within the Central Highlands Regional Council local government area (LGA).

On 22 December 2014, Cockatoo Coal Limited (ABN: 13 112 682 158) received Approval Notice EPBC 2013/7086 (the approval), under section 130 (1) and 133 of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, to construct and operate an open cut mine extension, 150km west of Rockhampton, Queensland. In 2015, Cockatoo Coal Limited entered voluntary administration. As a result, works associated with the BNCOP area and Baralaba Coal Mine ceased until it was purchased by Baralaba Coal Pty Ltd and Wonbindi Coal Pty Ltd (approval holder) in 2018.

The approval holder and Baralaba Coal Pty Ltd are wholly owned subsidiaries of Baralaba Coal Company Pty Ltd (BCC), a privately owned Australian metallurgical coal company.

All mining operations within the BNCOP area are conducted in accordance with the Queensland Environmental Authority (EA) EPML00223213 and the approval.

This second Annual Compliance Report has been prepared to satisfy Condition 12 of the approval. The report has been prepared in accordance with the Commonwealth Department of Environment (DoE) (now Department of Climate Change, Energy, the Environment and Water) (the Department) Annual Compliance Report Guidelines (DoE, 2014). The reporting period for this compliance report is 5 March 2022 to 5 March 2023.

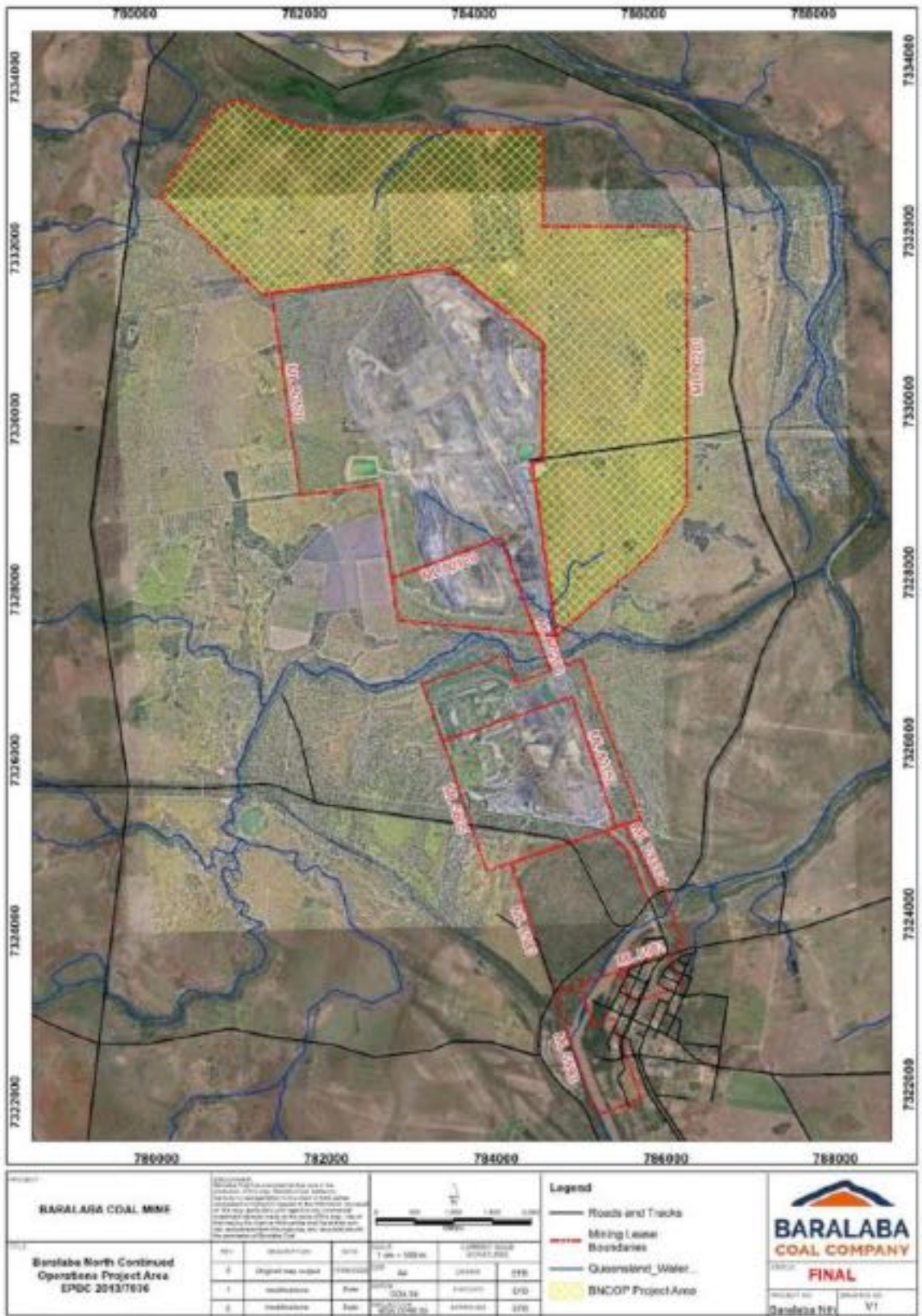


Figure 1: Site Location

1.1 Description of Activities

- **EPBC Number:** EPBC 2013/7036 (Appendix 1)
- **Project Name:** Baralaba North Continued Operations Project
- **Approval Holder:** Wonbindi Coal Pty Ltd
- **ABN:** 61 114 668 941
- **The Approved Action:** To construct and operate an open-cut mine extension 150km west of Rockhampton, Queensland
- **Location of the Project:** 115km south-west of Rockhampton, within the Central Highlands Regional Council LGA
- **Person Accepting Responsibility for the Report:** Outlined in Section 1.2 – Signed declaration
- **Dates for the Reporting Period of the Report:** 5 March 2022 to 5 March 2023
- **Date of Preparation of the Report:** 12 May 2023

1.2 Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge that authorisation being revoked at the time of making this declaration.

Signature of authorised reporting officer: 

Full name of authorised reporting officer: Brooke Topp

Position of reporting officer: Senior Environmental and Community Advisor

Organisation Name: Wonbindi Coal Pty Ltd

Organisation ABN: 62 114 668 941

Date: 5 June 2023

2.0 Methods

As noted above, this compliance report has been prepared in accordance with the Annual Compliance Report Guidelines (DoE, 2014) and included a desktop and site assessment.

2.1 Desktop Assessment

A review of the following documents was undertaken to support this compliance report:

- EPBC Approval: Baralaba North Coal Mine Continued Operations, Baralaba, Queensland (EPBC 2013/7036);
- Cockatoo Coal Limited. Baralaba North Continued Operations Project Matters of NES Management Plan, ECOSM, May 2015;
- Cockatoo Coal Ltd: Offset Delivery Plan Baralaba North Continued Operations Project (BNCOP) EPBC Approval 2013/7036, Version 20151874C1, Earthtrade Specialists, 22 May 2015; and
- All historical correspondence and supporting information related to the submission of the approval.

2.2 Site Assessment

Verification of site conditions consisted of a site inspection of the BNCOP area on 11 May 2023.

2.3 Audit Criteria

In accordance with Section 3.7 of the Annual Compliance Report Guidelines (DoE, 2014) the designations outlined in Table 1 were used to record the findings of this compliance report.

Table 1: Designation of Findings

Criteria Classification	Description
C	Compliant
NC	Not Compliant
NA	Not Applicable

Designations applied are based on the evidence at the time of the inspection or in documentation prior to, or subsequent to, the inspection. All relevant evidence, observations and, where required, additional management measures are provided in the following subsections.

2.4 EPBC Approval Compliance Investigation

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
1	The Minister may determine that a plan, strategy or program approved by the Queensland Government satisfies a plan, strategy or program under these conditions.	NA	
2	For the purposes of the action, the approval holder must not take any action outside the Baralaba North Continued Operations Project (BNCOP) Action Area or inside the Area of Exclusion of Mining Activities	C	<p>For the reporting period, approximately 3 ha of clearance works were undertaken for a new blast compound and exploration activities within the BNCOP area. No broadscale clearing or mining activities have commenced during the reporting period.</p> <p>The site inspection confirmed that no action outside the BNCOP clearing limits had taken place.</p>
3	To protect the EPBC Act listed threatened species and communities within the project area, the whole project maximum disturbance limits (in Table 1) apply to the project. The approval holder must not exceed these maximum disturbance limits.	C	<p>As verified by the inspection, cumulatively, approximately 3.7 ha of minor clearance works for a powerline corridor, groundwater bore, blast compound and exploration have been undertaken within the BNCOP area. No broadscale clearing or mining activities have commenced during the reporting period.</p> <p>The site inspection verified that no disturbance within the BNCOP area had occurred to Brigalow (<i>Acacia Harpophylla</i> dominant and co-dominant), Coolibah-Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregion, Squatter pigeon (southern) (<i>Geophaps scripta scripta</i>), Ornamental Snake (<i>Denisonia maculata</i>), Southern-eastern long-eared bat (<i>nyctophilus carbeni</i>) or Koala (<i>Pharacolarctos cinereus</i>) during the reporting period.</p>

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
4	The approval holder must prepare and submit, for the Minister's written approval, a Matter of National Environmental Significance Management Plan (MNESP)	C	<p>On the 6th of May 2015, Cockatoo Coal Limited submitted the Baralaba North Continued Operations Project Matters of National Environmental Significance Management Plan, Version 15006_Rpt01c, 5 May 2015 (BNCOP MNES Plan) for approval.</p> <p>The Plan was reviewed by officers of the Department and was found to meet the requirements of Condition 4 of the approval. Subsequently, the approval holder received written approval by a delegate of the Minister on the 11th of May 2015.</p> <p>The BNCOP MNES Management Plan forms part of the site Environmental Management System and is implemented by the Baralaba Coal Environmental Department.</p>
5	The approval holder must provide environmental offsets for authorised unavoidable impacts to Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant), Ornamental Snake (<i>Denisonia maculate</i>), Squatter Pigeon (Southern) (<i>Geophaps scripta scripta</i>) and South-eastern Long-eared Bat (<i>Nyctophilus corbeni</i>). The approval holder must ensure that environmental offsets comply with the principles of the EPBC Act Environmental Offsets Policy.	C	<p>The Cockatoo Coal Ltd: Offset Delivery Plan Baralaba Coal North Continued Operations Project (BNCOP) EPBC Approval 2013/7036, Version 20151874C1, 22 May 2015 was reviewed as part of this compliance report and was identified to be developed in accordance with the principles of the EPBC Act Environmental Offsets Policy.</p> <p>The BNCOP offsets were secured on two properties both located within the Brigalow Belt South Bioregion, as both properties experienced similar habitat and climatic conditions when compared with the BNCOP area.</p> <p>The first property, on which 400ha of the EPBC offset is located, is 65km to the south-west of the BNCOP. The real property description is Lot 9 BH194 ("Zamia Creek") and is owned by the Woorabinda Aboriginal Council. Zamia Creek is managed for 100% of the offset obligations for Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant), Ornamental Snake (<i>Denisonia malucata</i>) and Squatter Pigeon (Southern) (<i>Geophaps scripta scripta</i>).</p>

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
			The second property is owned by BCC on Lot 22 AU37 known as “Tin Hut Creek”. Tin Hut Creek is 720ha in area and contains an offset area of 420ha managed for the South-eastern long-eared bat.
6	The approval holder must prepare and submit an Offset Management Plan for the written approval of the Minister.	C	<p>Correspondence between the approval holder and the Department identified that the Cockatoo Coal Ltd: Offset Delivery Plan Baralaba Coal North Continued Operations Project (BNCOP) EPBC Approval 2013/7036, Version 20151874C1, 22 May 2015 (Offset Management Plan) was received by the Department on the 3rd of June 2015.</p> <p>The plan was reviewed by officers of the Department and was found to meet the requirements of Condition 5 and 6 of the approval. Subsequently, the approval holder received written approval by a delegate of the Minister on the 26th of June 2015.</p> <p>The Offset Management Plan forms part of the site Environmental Management System and is implemented by the Baralaba Coal Environmental Department.</p>
7	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.	C	<p>The offset lands, Tin Hut Creek and Zamia Creek, as described above, were legally secured via a Voluntary Declaration under the <i>Vegetation Management Act 1999</i> (VMA) by the approval holder, 7 years prior to the commencement of the controlled action, on 10 September 2015 and 2 November 2011 respectively (refer to Appendix 2).</p> <p>The Chief Executive of the Queensland Department of Natural Resources and Mines (now Department of Resources, DoR) declared the Tin Hut Creek offset area in Declared Area Map (DAM 2015/004812) as an area of high nature conservation value in accordance with section 19F of the VMA. The offset area is shown as Category A on a Property Map of Assessable Vegetation (PMAV) (PMAV 2015/005329) and is subject to management provisions of the Offset Management Plan.</p>

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
			<p>The Chief Executive of the DoR declared the “Zamia Creek” offset area in Declared Area Map (DAM 2015/004812) as an area of high nature conservation value/vulnerable to land degradation in accordance with s19F of the VMA. The chief executive considered the declared area to meet criteria s19(G) of the VMA as an area containing vegetation clump or corridor that contributes to the maintenance of biodiversity. The offset area is shown as Category A on a PMAV Map (PMAV 2015/004845) and is subject to management provisions of the Offset Management Plan.</p>
8	<p>The approval holder must undertake management and monitoring of water resources in accordance with the Environmental Authority issued for the project under the Environmental Protection Act 1994 (Qld).</p>	C	<p>A review of the groundwater monitoring data and related investigations identified that management and monitoring for water resources was completed in accordance with the EA (EPML00223213) for the reporting period.</p>
9	<p>The approval holder must make available to the Minister on request, all plans or programs and any reviews of plans or programs required under the Environmental Authority issued for the project under the Environmental Protection Act 1994 (Qld), including the Receiving Environment Monitoring Program, Erosion and Sediment Control Plan, Water Management Plan and Groundwater Monitoring and Management Program.</p>	C	<p>No request has been received.</p>
10	<p>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.</p>	C	<p>On the 30th of March 2021, the approval holder notified the Department in writing of commencement of the BNCOP on the 5th of March 2021.</p> <p>The Department provided written confirmation on the 6th of April 2021 that this notification was made in accordance with Condition 10 of the approval.</p>

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
11	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.	C	It has been verified, through the development of this report, that accurate records are maintained substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, monitoring records and reviews. On request from the Department, these records can be made available.
12	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 or programs 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.	C	The last compliance report was published and submitted on 31 May 2022, prior to the 5 June 2022 due date. This compliance report will also be published and submitted before 5 June 2023.
13	The approval holder must notify the Department in writing of potential non-compliance with any condition of this approval as soon as practical and	C	Within the reporting period, no contraventions of the conditions of the approval have occurred.

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
	within no later than ten (10) business days of becoming aware of the potential non-compliance.		
14	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.	C	An independent audit of compliance was not requested by the Minister during the reporting period.
15	If the approval holder wishes to carry out any activity other than in accordance with the management plan as specified in conditions 4 and 6, 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.	C	The activities have been undertaken in accordance with the existing management plans specified in the conditions of the approval.

EPBC Approval Condition	Condition	Compliance Designation	Evidence/Comments
16	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.	C	<p>The approval is dated 22 December 2014. On the 24th of July 2020 and 25th of August 2020, the approval holder requested written agreement to commence the action more than five years after it was approved.</p> <p>A delegate of the Minister reviewed the request and, on the 7th of September 2020, approved commencement of the action no later than 31 March 2021. On the 30th of March 2021 the approval holder notified the Department in writing of the commencement of the BNCOP on 5 March 2021.</p>
17	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans or programs 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.	C	<p>The Baralaba Coal Company website: https://www.baralabacoal.com.au/reports/</p> <p>The approved BNCOP MNES Plan and Offset Delivery Plan are currently published on the website. Any future revisions of these plans will also be published on the website.</p> <p>The compliance report will also be published on the website.</p>

3.0 Conclusion

A desktop review and site inspection of the BNCOP area concluded that:

- BCC are compliant with the conditions of Approval 2013/7036;
- No new risks have become apparent during the reporting period; and
- BCC continue to operate in accordance with the BNCOP MNES Plan and Offset Delivery Plan.

References

Department of the Environment (DoE) 2013, *Approval Baralaba North Coal Mine Continued Operations, Baralaba, Queensland (EPBC 2013/7036)*.

Department of the Environment (DoE) 2014, *Annual Compliance Report Guidelines*, Australian Government, Canberra.

Cockatoo Coal Limited, *Baralaba North Continued Operations Project. Matters of NES Management Plan, Ecological Survey and Management (ECOSM)*, May 2015.

Appendix 1: EPBC Approval 2013/7036

Approval

Baralaba North Coal Mine Continued Operations, Baralaba, Queensland (EPBC 2013/7036)

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 Cockatoo Coal Limited

proponent's ABN ABN: 13 112 682 158

proposed action To construct and operate an open cut coal mine extension
150 km west of Rockhampton, Queensland.

decision To approve the proposed action for each of the following
controlling provisions:

- 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 15 December 2039

Decision-maker

name and position Deb Callister
Assistant Secretary
Queensland and Sea Dumping Assessment Branch

signature



date of decision 22 December 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 Baralaba North Continued Operations Project (BNCOP) Action Area or inside the Area of Exclusion of Mining Activities shown as red hatching at Attachment A.
3. To protect EPBC Act listed threatened species and communities within the **project area**, the whole of project 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 (hectares)
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	9
Coolibah-Black Box Woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions	0
Threatened Species	Maximum disturbance limits (hectares)
Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>)	277
Ornamental Snake (<i>Denisonia maculata</i>)	33.5
South-eastern Long-eared Bat (<i>Nyctophilus corbeni</i>)	277
Koala (<i>Phascolarctos cinereus</i>)	5

EPBC Species Impact Management

4. The **approval holder** must prepare and submit, for the **Minister's** written approval, a Matters of National Environmental Significance Management Plan (MNESMP). 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 **spotter/catcher** 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;
 - 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**; and
 - 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.

The MNESMP must be approved prior to **commencement** of the action. The approved EPBC Species Impact Management Plan must be implemented.

Offsets

5. The **approval holder** must provide environmental offsets for authorised unavoidable **impacts** to Brigalow (*Acacia harpophylla* dominant and co-dominant), Ornamental Snake (*Denisonia maculata*), Squatter Pigeon (Southern) (*Geophaps scripta scripta*) and South-eastern Long-eared Bat (*Nyctophilus corbeni*). The **approval holder** must ensure that environmental offsets comply with the principles of the **EPBC Act Environmental Offsets Policy**.
6. 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 of **EPBC Act listed threatened species and communities** listed at condition 5 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.

7. 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.

Water

8. The **approval holder** must undertake management and monitoring of water resources in accordance with the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld).
9. The **approval holder** must make available to the **Minister** on request, all plans or programs and any reviews of plans or programs required under the Environmental Authority issued for the project under the *Environmental Protection Act 1994* (Qld), including the Receiving Environment Monitoring Program, Erosion and Sediment Control Plan, Water Management Plan and Groundwater Monitoring and Management Program.

General

10. 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**.
11. 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.

12. 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 or programs 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.
13. 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 which the approval holder will rectify the non-compliance.
14. 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**.
15. If the **approval holder** wishes to carry out any activity other than in accordance with the management plan as specified in conditions 4 and 6, 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.
16. 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**.
17. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans or programs 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: 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.

Fauna spotter/catcher means a person licensed under the relevant State legislation and who has demonstrated experience in surveying for and identifying species listed under the EPBC Act.

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.

Project area: means the area identified as the project area shown as the BNCOP Action Area in Attachment A.

Recovery Plan: means a recovery plan approved by the Minister under the EPBC Act.

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

Appendix 2: Offset Voluntary Declaration

Declaration Notice

ss19E – 19L of the Vegetation Management Act 1999

1. Details of request

- 1.1. **Proponent's name:** Surat Coal Pty Ltd
- 1.2. **Date request received:** 13/08/2015
- 1.3. **Request:** Declaration as an area of high nature conservation value
- 1.4. **Property description:** part lot 22 AU37 - Western Downs Regional Council
- 1.5. **Land tenure:** Freehold
- 1.6. **Decision reference:** 2015/004850

2. Declaration information

2.1. Declaration made:

The Chief Executive of the Department of Natural Resources and Mines declares the area identified on Declared Area Map 2015/004850 as an area of high nature conservation value in accordance with s19F of the *Vegetation Management Act 1999*.

The chief executive considers the declared area to meet the following criteria under s19G of the *Vegetation Management Act 1999*—

The declared area is an area of high nature conservation value under s19G(1)(b), as the area is *an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity*.

The documents outlined in 2.2 form part of this declaration.

2.2. Voluntary declaration documents:

The following documents are part of this voluntary declaration, and must be read in conjunction with this notice:


- Declared area map 2015/004850 dated 7/09/2015
- Declared area management plan entitled: EPBC 2013/7036 - BNCOP - Offset Area Management Plan "Tin Hut Creek", Dated May 2015

2.3. Property Map of Assessable Vegetation

In accordance with s20B of the *Vegetation Management Act 1999*, Property Map of Assessable Vegetation PMAV 2015/005329 has been prepared for the declared area.

2.4. Date of declaration: 10/09/2015

3. Delegated officer's signature



Sandra Witheyman

Snr Natural Resource Management Officer

Voluntary Declaration Notice

ss19E – 19L of the *Vegetation Management Act 1999*

1. Details of request

- 1.1. **Proponent's name:** Woorabinda Aboriginal Shire Council
- 1.2. **Date request received:** 11 August 2015
- 1.3. **Request:**
 - * An Area of high nature conservation value
 - To declare an area to be an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity.
- 1.4. **Property description:** 9 BH194 - Woorabinda Shire Council
- 1.5. **Land tenure:** Freehold
- 1.6. **Decision reference:** 2015/004812

2. Declaration information

- 2.1. **Declaration made:**

The Chief Executive of the Department of Natural Resources and Mines declares the area identified on Declared Area Map DAM 2015/004812 as an area of high nature conservation value/vulnerable to land degradation in accordance with s19F of the *Vegetation Management Act 1999*.

The chief executive considers the declared area to meet the following criteria under s19G of the *Vegetation Management Act 1999*—

The declared area is an area of high nature conservation value under s19G(1)(b), as the area is one or more of the following:

 - an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity;

The documents outlined in 2.2 form part of this declaration.

- 2.2. **Voluntary declaration documents:**

The following documents are part of this voluntary declaration, and must be read in conjunction with this notice:

 - Declared area map (DAM 2015/004812)

- 2.3. **Property Map of Assessable Vegetation**

In accordance with s20B of the *Vegetation Management Act 1999*, the following Property Map of Assessable Vegetation has been prepared for the declared area.

 - Declared area PMAV (DA PMAV 2015/004845)

2.4. **Date of declaration:** 2 November 2011

3. Delegated officer's signature

A handwritten signature in black ink that reads "KMadigan". The signature is written in a cursive, slightly slanted style.

**Kathryn Madigan
Senior Natural Resource Management Officer
Natural Resource Assessment – Central Region**