

Train Load Out Facility Third Party EPBC Compliance Report

PREPARED FOR
Baralaba Coal Company Pty Ltd

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1 Introduction

AARC Environmental Solutions (AARC) was commissioned by Baralaba Coal Company (BCC) to undertake an independent review of the Baralaba Train Load Out Facility (TLO), with regards to conditions prescribed under their Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC) approval. The EPBC approval for the TLO is identified as EPBC 2012/6548.

1.1 Locality

The TLO is located approximately 145 km south west of Rockhampton, 45 km south of the township of Baralaba and 5 km east of Moura, in Central Queensland (Figure 1).

1.2 EPBC Act 2012/6548 Approval

The TLO was referred for assessment under the EPBC as the project was considered likely to have a significant impact on the Ornamental Snake (*Denisonia maculata*), a listed threatened species. Under the EPBC, a listed threatened species is identified as a Matter of National Environmental Significance (MNES).

The proposed action of constructing and operating a "... train load out and rail loop facility, 5 km east of Moura in the Bowen Basin, Queensland." was approved as a controlled action on the 4th of September 2014. The controlling provision was "*Listed threatened species and communities (sections 18 and 18A)*", which referred to the occurrence of, and presence of high-quality habitat for the Ornamental Snake within the TLO's proposed construction footprint.

The approval commenced on 2 October 2014, with the commencement of clearing works to facilitate construction of the TLO.

The EPBC approval document (EPBC2012/6548) is supplied as **Appendix 1**.

1.3 Scope

Condition 5 of EPBC 2012/6548 requires that:

"Within three months of every 12-month anniversary of the commencement of the action, the approval holder must publish a report on their website for the life of the approval addressing compliance with each of the conditions of this approval, including implementation of the management plan specified condition 2. 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 anniversary date for the commencement of EPBC 2012/6548 is the 3rd of October.

This report therefore provides the required review of compliance, to satisfy Condition 5 of EPBC 2012/6548, for the year 2020.

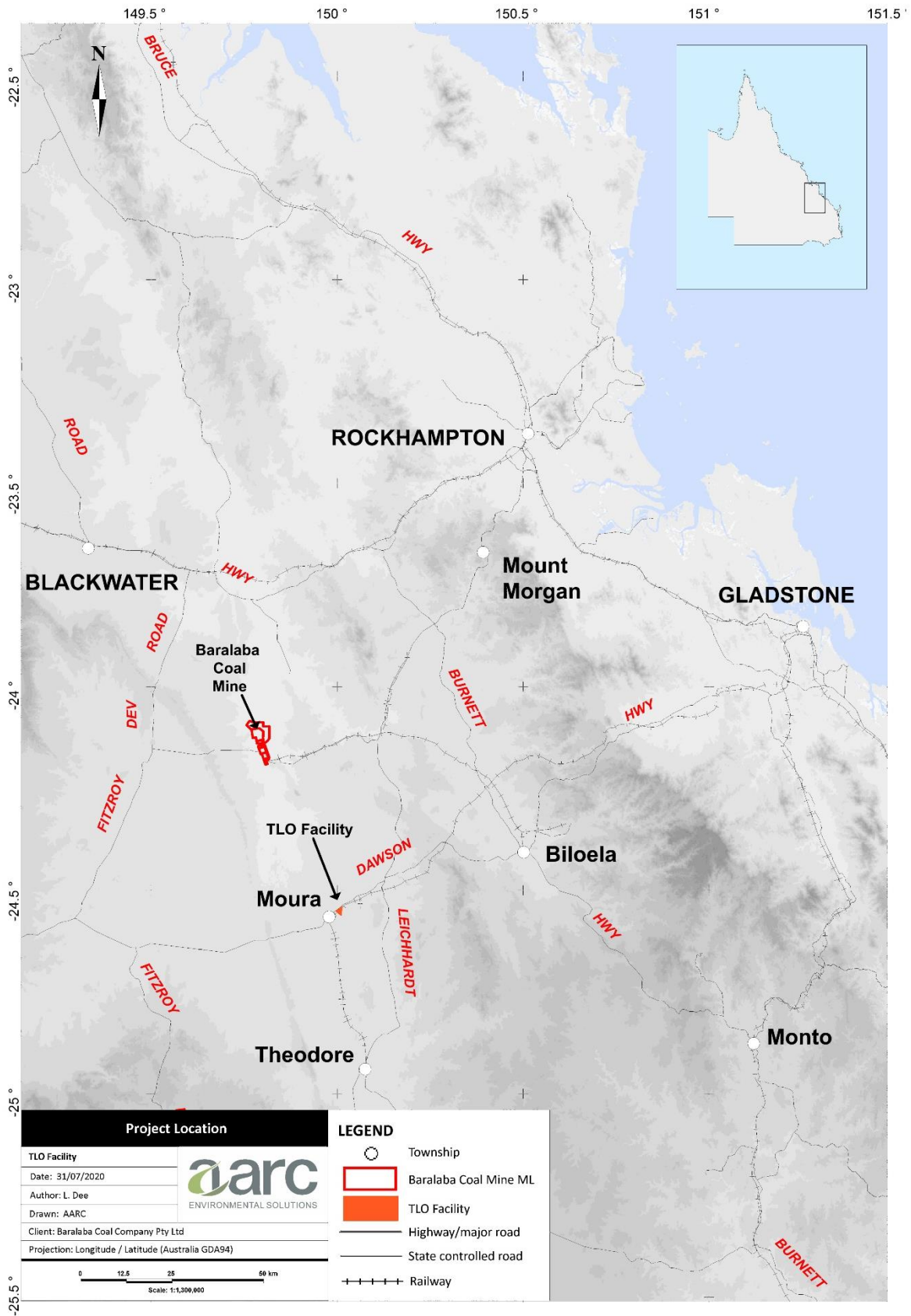


Figure 1 Project Locality

2 Methodology

2.1 Desktop study

A detailed review of resources supplied by BCC was undertaken and consisted of the following documents.

- *EPBC Approval: Baralaba Train Load Out and Loop (EPBC 2012/6548).*
- *Ornamental Snake Mitigation and Management Plan - Baralaba Train Load Out Facility (13017_Rpt03b), Prepared for Cockatoo Coal by Ecological Survey and Management, August 2014.*

2.2 Site Inspection

Further audit evidence was collected in a site inspection of the TLO Facility on the 29th of June 2020. This inspection included:

- Interviews with key personnel.
- General inspection of:
 - Rail loop area.
 - Coal Stockpile areas.
 - Maintenance areas.
 - Raw Water and Stormwater Dams.
 - Northern boundary fire break.

2.3 EPBC Approval Compliance Investigation

Table 1 provides the list of compliance requirements outlined in EPBC approval 2012/6548, as well as detailing the methodology used to assess compliance. An outcome is then determined, on whether compliance continues to be achieved for the 2020 review period.

Table 1 EPBC Compliance Investigation Findings

EPBC Approval Condition		Verification Method	Compliance Finding
1	The project area is the area designated as the Property Extent at Appendix 1.	The June 2020 site inspection and 2018 aerial imagery has confirmed the project is in alignment with the Property Extent outlines in Appendix 1 of the EPBC approval.	Y
2	To avoid, mitigate and manage impacts to the Ornamental Snake (<i>Denisonia maculata</i>) and its habitat, the approval holder must undertake the approved action in accordance with the <i>Ornamental Snake Mitigation and Management Plan Baralaba Train Load Out Facility</i> (August 2014).	As per Table 2, mitigations and management measures required under the <i>Ornamental Snake Mitigation and Management Plan Baralaba Train Load Out Facility</i> (August 2014) have continued to be implemented throughout the 2020 review period.	Y
3	Within 30 calendar days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.	Notification was provided to the Department on the 3 rd October 2014.	Y

EPBC Approval Condition	Verification Method	Compliance Finding
<p>4</p>	<p>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 plan referenced in condition 2 of 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>All monitoring and inspection records (including those completed under the <i>Ornamental Snake Mitigation and Management Plan Baralaba Train Load Out Facility</i> (August 2014)) are saved and maintained on the Baralaba Egnyte drive.</p>
<p>5</p>	<p>Within three months of every 12-month anniversary of the commencement of the action, the approval holder must publish a report on their website for the life of the approval addressing compliance with each of the conditions of this approval, including implementation of the management plan specified in condition 2. 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.</p>	<p>Compliance reports have been completed and remain available on the Baralaba website, for the year’s 2015, 2016, 2017, 2018, 2019 and now 2020 (being this Report).</p>

EPBC Approval Condition		Verification Method	Compliance Finding
6	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 .	Not applicable.	Not applicable.
7	If the Minister believes that it is necessary or convenient for the better protection of the listed threatened species and ecological communities to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in condition 2.	Not applicable.	Not applicable.
8	If, at any time after five 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 .	Not applicable.	Not applicable.
9	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 by the Minister and remain on the website for the life of the approval.	The <i>Ornamental Snake Mitigation and Management Plan Baralaba Train Load Out Facility</i> (Ecological Survey and Management 2014) remains available on the Baralaba website, at the time of this review.	Y

EPBC Approval Condition	Verification Method	Compliance Finding
<p>10 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 business days of becoming aware of the potential non-compliance. The notice provided to the Department under this condition must specify:</p> <ul style="list-style-type: none"> 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 approved action; e) 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; f) the measures the approval holder will make to assess the impacts of the non-compliance; and g) the time by when the approval holder will rectify the non-compliance. 	<p>No indication of non-compliance has been identified during 2020, or through this review process.</p>	<p>Y</p>

2.4 Ornamental Snake Mitigation and Management Plan Compliance Investigation

Pre-construction and construction mitigation measures contained in the *Ornamental Snake Mitigation and Management Plan - Baralaba Train Load Out Facility* (Ecological Survey and Management 2014) (the 'Plan') have been omitted from this report, as they are no longer relevant or have been fulfilled.

Table 2 Plan Compliance Investigation Findings

Plan Commitment		Verification Method	Compliance Finding
Operational and Monitoring Phase			
1	Approximately 11 bio-condition monitoring plots will be established within the retained Brigalow vegetation, including high quality and medium quality Ornamental Snake habitat areas. Baseline conditions will be collected, and monitoring conducted every 2 years in the post wet season for a period of at least 15 years.	Monitoring commenced in 2015, with monitoring again conducted in June 2017 and April 2020. The next round monitoring is scheduled to be completed in 2022.	Y
2	If bio-condition monitoring indicates that the ecological condition of the Brigalow vegetation is not improving, additional measures to enhance the condition of these areas of vegetation will be investigated.	The April 2020 monitoring identified a consistent improvement in the ecological condition of the Brigalow Vegetation.	Y
3	Monitoring of Ornamental Snake presence/abundance and habitat usage at the TLO site is to be undertaken on an annual basis during optimal detection conditions, i.e. post-wet season. Surveys are to be conducted throughout all high quality and medium quality habitat areas and will include mark-recapture techniques to allow population analysis and gross movements of snakes between monitoring events to be determined (e.g. from one side of the rail loop to the other). The method of marking snakes will be determined in consultation with the relevant animal ethics committee but could include techniques such as branding (Winne et al. 2006) or Passive Integrated Transponder (PIT) tags.	Ornamental Snake monitoring was completed in April 2020 in accordance with the methodology outlined within the Plan.	Y
4	Monitoring of installed culverts will be undertaken twice per year between October and December and February and April for two years following construction and then annually thereafter for a period of 5 years. Monitoring will use infrared cameras at each culvert location if trials show that cameras are effective at detecting snakes. The use of a substrate to maximise temperature differential and increase the detectability of snakes will be investigated. For example, cork tiles were found to increase the detectability of reptiles with	Trials concluded infra-red monitoring was not an effective or feasible method of snake detection. Monthly inspections of the culverts are completed by TLO personnel. Additional inspections of the culverts are also completed during the annual monitoring for the Ornamental Snake.	Y

Plan Commitment	Verification Method	Compliance Finding
<p>infrared cameras (Welbourne 2013). The Rail loop and haul road should be checked each morning to search for snakes that may have been struck by trains or haul trucks to ensure that the exclusion fencing is effective. Monitoring of the use of culverts will be undertaken in conjunction with targeted surveys/monitoring for Ornamental Snake.</p>		
<p>5 Where feasible within the operational requirements of the TLO Facility, pulse grazing of Ornamental Snake habitat will be undertaken for short durations in the dry season (generally between May-September) to assist in weed management. This will only be undertaken when gilgai are completely dry to assist in reducing the cover of exotic pasture grasses. Gilgai areas should not be grazed while gilgai contain water as this can lead to gilgai habitat degradation, e.g. gilgai trampling, water quality impacts.</p>	<p>Pulse grazing has not occurred.</p>	<p>Not applicable.</p>
<p>6 Feral animal monitoring, particularly Cane Toads (<i>Rhinella marina</i>) and Feral Pigs (<i>Sus scrofa</i>), will be undertaken throughout the TLO Facility. All staff and contractors will be required to report any sightings or incidences of habitat degradation. Observations and recording numbers of Cane Toads caught will be made during Ornamental Snake surveys and monitoring events. Where survey or monitoring data indicates potential mortality of Ornamental Snake due to an abundance of Cane Toads, further targeted and quantitative monitoring will be considered. Where habitat degradation by Feral Pigs is identified during surveys and monitoring or by staff and contractors, mitigation and management actions will be required such as baiting and/or trapping.</p>	<p>The <i>TLO Weed and Pest Management Plan</i> outlines TLO personnel and visitor requirements to report sighting of feral animals. This is further outlined in the TLO induction.</p> <p>All pest sightings are recorded in the TLO Fauna Register.</p> <p>2020 Monitoring did not indicate that pest species were problematic with no mortalities of Ornamental Snake recorded.</p> <p>The 2020 monitoring report recommends a continued focus on cane toad population control.</p>	<p>Y</p>
<p>7 All retained areas of Brigalow habitat on site will be enhanced through implementation of the Weed Management Plan (Attachment C), including the regular control of exotic grasses and other species.</p>	<p>Weed management is conducted in accordance with the <i>TLO Weed and Pest Management Plan</i>.</p> <p>Monthly inspections are completed within the retained Brigalow Habitat. Where required, control measures are implemented to manage invasive species.</p>	<p>Y</p>

Plan Commitment		Verification Method	Compliance Finding
8	A comprehensive air quality monitoring program will be implemented for the TLO Facility. This will ensure dust emissions remain within acceptable limits.	Depositional dust monitoring has been undertaken at the TLO since 2018. Dust levels are reviewed by Baralaba personnel monthly, to ensure dust remains within acceptable limits.	Y
9	A noise monitoring programme will be implemented for the TLO Facility. Monitoring and management of noise will consider atmospheric conditions, e.g. thermal inversions at night, during operation.	Noise monitoring is undertaken in accordance with the site's Queensland Environmental Authority (being EPPR02011714).	Y
10	Daily water quality monitoring of pH and turbidity will be conducted of stormwater releases from the Sediment Retention Pond and Raw Water Dam during release events.	No release events occurred during 2020	Y

3 Conclusion

A desktop review and site inspection of the TLO Facility, concluded that Baralaba Coal Pty Ltd are compliant with the Conditions of EPBC approval 2012/6548 and continue to operate in accordance with their *Ornamental Snake Mitigation and Management Plan - Baralaba Train Load Out Facility* (Ecological Survey and Management 2014).

3.1 Ongoing Compliance Requirements

To ensure ongoing compliance with the EPBC approval and the Plan, it is recommended that the following mitigation and management measures be adopted:

3.1.1 2020 Ornamental Snake management recommendations

It is recommended to:

- continue monitoring as per the Plan (Section **Error! Reference source not found.**);
- review the existing *TLO Weed and Pest Management Plan*, with a focus on Cane Toad population control methods;
- undertake maintenance and repairs along the exclusion fence lines; and
- incorporate design improvements to existing culverts to facilitate exit of target species and exclude access of non-target species.

3.1.2 2020 Brigalow bio-condition assessment recommendations

It is recommended to:

- continue bio-condition monitoring as set out within the Plan (Section **Error! Reference source not found.**);
- review the existing *TLO Weed and Pest Management Plan*, with a focus on managing weed species identified as threats to the Brigalow TEC; and
- review enhancement management strategies cited in the Plan, with a view to subsequent implementation.

4 References

Department of the Environment (DoE) 2013, *Approval Baralaba Train Load Out and Rail Loop – EPBC Act referral 2012/6548*, Department of Agriculture, Water and the Environment, Canberra.

Ecological Survey and Management (ECOSM) 2014, *Ornamental Snake Mitigation and Management Plan Baralaba Train Load Out Facility prepared for Cockatoo Coal Ltd*, Ecological Survey and Management, Brisbane.

Ecological Survey and Management (ECOSM) 2015, *Baralaba Mine TLO Facility and Haul Route Species Management Program prepared for Cockatoo Coal Ltd*, Ecological Survey and Management, Brisbane.

SLR Consulting NZ Limited 2018 (SLR), *Baralaba Coal Mine Train Loadout Facility Operational Environmental Management Plan prepared for Baralaba Coal Company Pty Ltd*, SLR Consulting Pty Ltd, Brisbane.

A1 EPBC approval 2012/6548