



Statement of reasons for approval of the Caval Ridge Mine Horse Pit Extension (EPBC 2021/9031) under the *Environment Protection and Biodiversity Conservation Act 1999*

I, DECLAN O'CONNOR-COX, Branch Head, Environment Assessments Queensland Branch, Department of Climate Change, Energy, the Environment and Water (the department), delegate for the Minister for the Environment and Water, provide the following statement of reasons for my decision of 19 December 2024, under subsection 130(1) and section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), to approve the Caval Ridge Mine Horse Pit Extension proposed by BM Alliance Coal Operations Pty Ltd (BMA; the proponent), being construction and operation of an extension to the existing Caval Ridge Coal Mine, approximately 5 kilometres (km) south-west of Moranbah in the Bowen Basin, Queensland (EPBC 2021/9031) (the action).

Legislation

- 1) Extracts of the EPBC Act relevant to my decision are set out in **Annexure A**.

Background

- 2) The action is the construction, operation and decommissioning of an extension to the existing Caval Ridge Coal Mine Horse Pit, approximately 5 km south-west of Moranbah, in the Bowen Basin, Queensland. The action is located to the east and west of the existing Caval Ridge Mine operations.
- 3) The northern boundary of the Caval Ridge Mine is located approximately 5 km south-west of Moranbah in the Bowen Basin, Queensland. The project area is located within a coal mining precinct in the northern Bowen Basin where resource extraction, agriculture and livestock grazing are the predominant land uses.
- 4) Caval Ridge Mine was originally approved in 2011 under the EPBC Act (EPBC 2008/4417) and has been in operation since 2014.
- 5) The action will extend current operations until 2056. The current open cut Caval Ridge Mine produces up to 15 million tonnes per annum of run-of-mine coking coal product for the export market.
- 6) The project area is 1,214 hectares (ha) with a disturbance footprint of approximately 911 ha. The disturbance footprint consists of:
 - extension of the existing Horse Pit
 - relocation of enabling infrastructure including earth-moving equipment, build pad, blasting compound, go-lines, substations, back-access roads and powerlines
 - 2 flood levees – a northern levee to bound a portion of the Horse Pit and the western levee to bound the south-west extent of the out of pit dump
 - relocation of a dragline crossing

- 7) The action will include progressive land clearing and topsoil removal. Rehabilitation of the final void is proposed with the backfilling of the mined-out pit and revegetation of topsoil.
- 8) The project area was historically cleared and grazed and is presently subject to ongoing direct and indirect disturbances from the Caval Ridge Mine operations.
- 9) The vegetation within the study area is predominantly regrowth Brigalow (*Acacia harpophylla*) (84%) with eucalypt woodland (12%) and remnant native grassland (4%). Non-remnant vegetation communities within the study area (approximately 664 ha) consists of improved / disturbed grasslands dominated by non-native grasses and scattered regrowth Brigalow shrublands.
- 10) The project area is located within the Horse Creek and Cherwell Creek catchments. Both creeks are tributaries of the Isaac River. The project area is located on a small, unnamed tributary of Cherwell Creek, located upstream of the confluence of Cherwell Creek and Harrow Creek. Permanent water sources, such as farm and mine dams are scattered throughout the project area.

Procedural History

Referral, controlling provisions, assessment approach decision and public consultation

- 11) On 9 September 2021, the department received a referral from the proponent for the action.
- 12) On 9 September 2021, the referral was published on the department's website and public comment invited for 10 business days. No public submissions were received in response to the invitation.
- 13) On 9 September 2021, the department invited comments from:
 - a) The Hon Ken Wyatt AM MP – Minister for Indigenous Australians
 - b) The Hon Keith Pitt MP – Minister for Resources and Water
- 14) On 23 September 2021, Geoscience Australia responded on behalf of Minister Pitt and noted that while the action would impact on water resources, the impact is unlikely to be significant given the limited utility and supply of groundwater in the area.
- 15) On 23 September 2021, the National Indigenous Australians Agency (NIAA) responded on behalf of Minister Wyatt and recommend that the proponent consider entering into an Indigenous land use agreement (ILUA) with the Barada Barna people and include an updated cultural heritage and management plan. The NIAA also recommended that the proponent consider engaging with Indigenous employees and businesses.
- 16) On 9 September 2021, the department invited comments from Mr Chris Loveday, delegated contact for the Hon Leeanne Enoch MP, Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts. Mr Loveday advised that the action would not be assessed under the bilateral agreement with the Queensland Government.
- 17) On 17 November 2021, a delegate of the minister determined that the action was a controlled action under section 75 of the EPBC Act, due to likely significant impacts on listed threatened species and communities (sections 18 and 18A of the EPBC Act) and on a water resource, in relation to coal seam gas development or large coal mining development (sections 24D and 24E

of the EPBC Act) (the referral decision). On the same date, the delegate decided under section 87 of the EPBC Act that the action would be assessed by preliminary documentation.

Assessment documentation and consultation

- 18) On 1 December 2021, the department wrote to the proponent with a request for further information under section 95A(2) of the EPBC Act for assessment of the relevant impacts on listed threatened species and communities and on a water resource, in relation to coal seam gas development or large coal mining development.
- 19) Draft preliminary documentation was provided by the proponent on 2 June 2022, 17 April 2023, and 27 July 2023 following the provision of feedback by the department.
- 20) On 3 September 2022, advice was provided by the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) on potential impacts to water resources.
- 21) On 23 August 2023, the proponent submitted a draft preliminary documentation that met the request for further information and addressed IESC advice.
- 22) On 6 September 2023, in accordance with section 95A(3) of the EPBC Act, the proponent was directed to publish the draft preliminary documentation and invite public comments. The draft preliminary documentation was published for 10 business days from 18 to 29 August 2023. The notice for public comment was published on the EPBC Act Public Portal and in the *Mackay Mercury*, *Courier Mail*, Moranbah Library and the Emerald office of the Queensland Department of Environment and Science.
- 23) On 12 February 2024, the proponent submitted the finalised preliminary documentation to the department and advised that 416 submissions had been received during the publication period. The proponent's summary of the key issues raised, and their responses was provided in the preliminary documentation. Further information on public comments is at paragraphs 196) to 199).
- 24) The preliminary documentation was subsequently published for notification for 10 business days in accordance with section 95B(4) of the EPBC Act from 23 February 2024 to 7 March 2024.
- 25) On 8 April 2024, under section 130(1A) of the EPBC Act, I extended the timeframe for proposed decision on approval to 11 October 2024 to allow for a decision on reconsideration of the referral to be made prior to the decision whether to approve the action.

Reconsideration request

- 26) On 8 July 2022, Environmental Justice Australia (EJA) submitted a reconsideration request, on behalf of the Environment Council of Central Queensland Inc (ECCQ), on the basis of the availability of substantial new information (section 78(1)(a) of the EPBC Act) (the request).
- 27) In the request, EJA stated that its request contained substantial new information about the impacts the action will have, or is likely to have, on matters of national environmental significance, including a number of matters of national environmental significance not listed in the referral decision. EJA stated that the information provided with the request demonstrated that the action will or is likely to have significant physical effects on a number of matters of

national environmental significance because of the greenhouse gas emissions associated with the action.

- 28) EJA requested that the minister revoke the original referral decision and substitute a new decision under section 75(1) of the EPBC Act, listing all matters of national environmental significance that it had identified as affected by climate change as controlling provisions.
- 29) EJA estimated the greenhouse gas emissions associated with the extraction and combustion of the coal from the action. It contended that, if the action goes ahead, there is a real (as opposed to remote) chance that these greenhouse gas emissions would result in physical effects of climate change (including fire, ocean heatwaves and acidification, drought, rainfall extremes and flooding) and the action will have, or is likely to have, a significant impact on a number of matters of national environmental significance.
- 30) On 3 December 2024, I confirmed the original referral decision for this action. My reasons are set out in a separate statement of reasons.

State assessment and approval

- 31) On 15 March 2024, Queensland Department of Environment, Science and Innovation (DESI¹) provided the department with a copy of the latest environmental authority (EA), issued to the proponent on 31 August 2023. The EA includes conditions for the following:

- prevention and / or minimising of likelihood of environmental harm
- monitoring and reporting
- air quality
- noise and vibration
- land and rehabilitation
- waste management
- structures
- sewage treatment
- water
- groundwater

Proposed approval

- 32) On 3 December 2024, I proposed to approve the action. That same day, I wrote to the proponent and relevant ministers inviting comment on my proposed decision.
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¹ Later, the Department of Environment, Tourism, Science and Innovation (DETSI)

Response to proposed decision

- 33) Between 3 and 17 December 2024, the department consulted with the proponent on the proposed conditions of approval. The proponent's comments, and how they have been addressed, are discussed at paragraph 216).
- 34) On 9 December 2024, Geoscience Australia responded on behalf of the Minister for Industry and Science. Geoscience Australia stated they are supportive of the implementation of the proposed decision and the implementation of the water management plan including mapping and monitoring of stygofauna terrestrial groundwater-dependent ecosystems.
- 35) On 17 December 2024, DETSI responded on behalf of the Queensland Minister for the Environment and Tourism and the Minister for Science and Innovation. DETSI stated that they issued the final authority for the action on 16 May 2024 but noted that it authorises clearing of a smaller area of King Blue-Grass than was originally applied for under their legislation (and the EPBC Act).
- 36) The Minister for Resources and Northern Australia did not respond to the invitation to comment on the proposed decision.

Approval decision

- 37) On 19 December 2024, I decided to approve the action, subject to conditions.

Evidence or other material on which my findings were based

- 38) My decision under subsection 130(1) and section 133 of the EPBC Act to approve the taking of the action was based on consideration of the final approval decision brief prepared by the department, which I signed on 19 December 2024, and all of its attachments. A full list of the attachments to the decision brief is set out at **Annexure B**.
- 39) I agreed with the department that the information before me was sufficient to decide whether or not approve the action.

Findings on material questions of fact

- 40) In deciding whether to approve the action, I considered all impacts that the action would have or would likely have on each matter protected by the controlling provisions for the action (being sections 18 and 18A, and 24D and 24E of the EPBC Act), consistent with section 136(1)(a) of the EPBC Act.

Listed threatened species and ecological communities (sections 18 and 18A)

- 41) In making my decision, I considered the impact of the action on each of the following listed threatened species and ecological communities:
- i) Ornamental Snake (*Denisonia maculata*) – vulnerable
 - ii) Squatter Pigeon (Southern) (*Geophaps scripta scripta*) – vulnerable
 - iii) King Blue-Grass (*Dichanthium queenslandicum*) – endangered

Ornamental Snake (*Denisonia maculata*) – vulnerable

Description

- 42) I noted that the Ornamental Snake occurs within the Brigalow Belt Bioregion and the Burdekin and Fitzroy Natural Resource Management Regions.
- 43) The approved *Conservation Advice for Denisonia maculata (Ornamental Snake) (2014)* (the conservation advice) states that the species inhabits floodplains, undulating clay pans and the margins of swamps, lakes and watercourses. It has also been found in woodlands and open woodlands of Coolabah, Poplar Box and Brigalow, associated with fringing vegetation along watercourses where it is able to find its main food source, frogs.
- 44) I noted that known threats to the Ornamental Snake are habitat loss, fragmentation and degradation, alteration of landscape hydrology and water quality, Cane Toad contact, and predation by feral species. In the Brigalow Belt, habitat loss is the main threat to the Ornamental Snake due to the construction of roads, railways and related mining infrastructure within the Brigalow Belt region.

Species presence

- 45) I noted that the Ornamental Snake was identified in desktop surveys at numerous locations across the Moranbah area, with the closest records to the action from 2008 (*Atlas of Living Australia*). The preliminary documentation also states that the Ornamental Snake was detected at the neighbouring Peak Down Mine in 2005.
- 46) Targeted surveys for the Ornamental Snake included 60 hours of spotlighting, 120 funnel trap nights, 168 hours of active searches and opportunistic surveys during the dry season (November to December 2019) and wet season (March 2020).
- 47) I considered that the proponent's survey effort is consistent with the survey recommendations outlined in the *Survey Guidelines for Australia's threatened reptiles (2011)*.
- 48) I also noted that two Ornamental Snakes were recorded in the project area during the wet season surveys.

Habitat assessment

- 49) The proponent used the Central Queensland Habitat Descriptions (2020) to define habitat within the project area. Habitat for the Ornamental Snake includes:
 - Preferred habitat: gilgai depressions, mounds and wetlands on cracking clays where essential microhabitat features are present including an abundance of deep soil cracks and fallen woody debris and including seasonal flooding areas
 - Suitable habitat: dispersal areas within 1 km of preferred habitat currently or previously dominated by Coolabah communities where gillgais or soil cracks are infrequent or are shallow or non-remnant areas
 - Marginal habitat: areas currently or previously dominated by Brigalow or Coolabah communities where gilgai or soil cracks are infrequent or shallow; non-remnant areas where there are threats present and areas where the Ornamental Snake has the potential to occur; especially when water is present

- 50) I noted that the conservation advice does not categorise habitat as preferred, suitable or marginal. However, when combined these definitions are in accordance with the conservation advice.
- 51) The proponent stated that the project area includes 325.69 ha of preferred habitat for the Ornamental Snake and that no suitable or marginal habitat was identified. Habitat has a BioCondition quality score of four due to the recent clearing in the region causing fragmentation and promoting the spread of non-native flora and pest species such as Feral Cats and Cane Toads. The cultivation of pastures grass (primarily Buffel Grass) has degraded the ground layer.
- 52) An 'important population' in accordance with the *EPBC Act Significant Impact Guidelines 1.1* (the significant impact guidelines) significant impact criteria is a population that is necessary for a species' long-term survival and recovery. The preliminary documentation defined the population of Ornamental Snakes present in the project area as an 'important population'. I agreed with the proponent's conclusion.

Relevant Impacts

- 53) I noted that the action would clear up to 167.84 ha of preferred Ornamental Snake habitat.
- 54) I also noted that the preliminary documentation states that Ornamental Snake will be impacted by the project through the removal of habitat, injury and mortality during construction and operation, noise and lighting, and habitat degradation through dust, erosion and sedimentation.
- 55) Consistent with the significant impact guidelines, the proponent determined that the action is likely to have a significant impact on the Ornamental Snake due to the reduction in the area of occupancy of an important population at the local scale and disrupting the breeding cycle of an important population. I agreed with the proponent and determined that the action would have a significant impact on the Ornamental Snake due to clearing of habitat that is used by an important population for breeding, foraging and dispersal.

Avoidance, mitigation and management measures

- 56) I noted that the proponent provided the following avoidance and mitigation measures for listed threatened species:
- i) A spotter-catcher will be available prior to and during all clearing activities for the life of the project. The spotter-catcher will identify, relocate and manage any impacted fauna species. The spotter-catcher also has the authority to cease work when fauna species are directly at risk of injury or mortality.
 - ii) Internal roads will have speed reductions (speed bumps) applied and will be adhered to for the life of the project. Fauna crossing signs will be erected to warn drivers of speed reduction measures.
 - iii) Vehicle hygiene measures will be implemented, including wash down bays / pads, vehicles to remain on access tracks and to avoid driving over weed populations and topsoil stockpiles.

- iv) All rehabilitation material will be assessed and determined as weed-free prior to being brought on the project area.
 - v) Weed monitoring, treatment and reporting to be conducted within the project area alongside a feral animal control program.
 - vi) Erosion and sediment controls including diversion of run-off to sediment dams and implementation of local temporary erosion control measures.
 - vii) Dust suppression activities including the use of water trucks and progressive rehabilitation to be implemented within the project area.
 - viii) Noise will be minimised through the regular maintenance of machinery to prevent unnecessary noise.
 - ix) Artificial lighting within the project area will be focused to disturbance / work areas and will be implemented in accordance with Australian standards. Lighting to areas of remnant vegetation and fauna habitat will be minimised / avoided.
- 57) I considered that the proposed avoidance and mitigation measures provided will minimise injury and mortality to the Ornamental Snake.
- 58) The above avoidance and mitigation measures are contained within management plans which currently exist for the Caval Ridge Mine. I consider these plans are also suitable for managing impacts related to the action. As part of the conditions of approval, the proponent will be required to implement these plans for the life of the approval as outlined at 66) and 67) below. These management measures will aim to mitigate impacts caused by injury and mortality, erosion, weeds, pests, dust, noise and lighting. Plans included in the preliminary documentation are:
- erosion and sediment control plan
 - threatened flora and fauna ecological communities management plan
 - weed and feral animal management plan
- 59) In accordance with the latest EA, the proponent must meet rehabilitation mining requirements and develop and submit a rehabilitation monitoring program and a post closure management plan to the state. I considered the implementation of these plans will minimise impacts to the Ornamental Snake and other species during the rehabilitation and closure stage of the mine.

Compensatory measures

- 60) The proponent states that the action is likely to have a residual significant impact on the Ornamental Snake after avoidance and mitigation measures have been applied, due to the clearance of 167.84 ha of preferred habitat, and therefore offsets are required. I agreed with this conclusion.
- 61) The proponent provided an offset strategy and offset management plan for the project, committing to the provision of a 259 ha offset for the Ornamental Snake. The proposed Croydon

site is a cattle station located 100 km south-east of the action. The proponent currently has an existing 360.5 ha offset area secured within the Croydon site, adjacent to the proposed offset area for the Ornamental Snake. I considered that the proposed offset area would facilitate connectivity between the two sites for a range of matters of national environmental significance species, including the Ornamental Snake. The offset area contains regrowth Brigalow and shrub species including Queensland Ebony and Yellowwood. Ground cover is limited and composed of mixed native and introduced species such as Buffel and Sabi Grass. Habitat within the offset area includes gilgai and a combination of remnant and non-remnant vegetation.

- 62) I noted that the Ornamental Snake was not observed during surveys in the offset area, however the proponent has noted that surveys were conducted outside of the recommended snake survey window. The Ornamental Snake has been recorded during surveys on the adjacent offset area in 2016 and to the east of the offset area. I agreed with the offset area despite no records of the Ornamental Snake being detected on site due to the proximity of records in neighbouring areas.
- 63) The proponent has committed to improving the BioCondition score of the offset site from 3 to a 5 over a 20-year period in the offset area management plans. I noted this will be done through the implementation of a pest animal assessment and monitoring plan, Feral Pig control measures including baiting and shooting, weed prevention and fire management measures. I considered the implementation of the above plans will ensure that habitat for the Ornamental Snake is not degraded through overgrazing, soil compaction, spread of weeds and reduction in the fire load. Feral Pig management will reduce the direct competition for food sources (frogs).

Conditions of approval

- 64) The department recommended, and I agreed, to impose conditions 1 and 2 which define the maximum extent of clearing for the Ornamental Snake. I considered that this would ensure the project remains within the assessed project and disturbance area.
- 65) To enforce the proponent's proposed measures to avoid and mitigate impacts on individual Ornamental Snakes, the department recommended, and I agreed with, conditions 3 and 4, requiring the approval holder to implement protocols for the expert detection and relocation of Ornamental Snakes occurring within development areas.
- 66) To enforce the proponent's proposed measures to avoid and mitigate impacts on Ornamental Snake habitat, the department recommended, and I agreed with, conditions requiring the approval holder to implement the following plans included with the preliminary documentation within the project area:
- erosion and sediment control plan (conditions 5 and 6)
 - threatened flora and fauna ecological communities management plan (conditions 7 and 8)
 - weed and feral animal management plan (conditions 9 and 10)
- 67) Also, to enforce the proponent's proposed measures to avoid and mitigate impacts on Ornamental Snake habitat, the department recommended, and I agreed with, conditions 11 to

13, requiring the approval holder to implement the progressive rehabilitation and closure plan (PRCP) required under their EA.

- 68) To compensate for the residual significant impact to the Ornamental Snake, the department recommended, and I agreed with, conditions 25 to 30, requiring the approval holder to secure and manage environment offset areas to improve BioCondition scores as identified and detailed in the offset area management plan (OAMP) and offset strategy (OS) provided in the preliminary documentation. Offset sites must be managed prior to the commencement of the action, and secured within 2 years of commencement of the action, and at least until the expiry of the approval.

Conclusion

- 69) I considered all available information, including the nature of the action, the preliminary documentation, proposed measures to avoid, mitigate, manage and offset impacts, the conservation advice, and the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance 2013*.
- 70) I agreed that the action would have a residual significant impact on the Ornamental Snake. However, I was satisfied that, with the proposed approval conditions and implementation of the proposed avoidance, mitigation, management and offset measures, the action would not have an unacceptable impact on the vulnerable Ornamental Snake.
- 71) I was therefore satisfied that approval of the action, with conditions, would not have an unacceptable impact on the vulnerable Ornamental Snake.

Squatter Pigeon (southern) (*Geophaps scripta scripta*) – vulnerable

Description

- 72) I noted that the *Conservation Advice Geophaps scripta scripta squatter pigeon (southern)* (2015) (the conservation advice) states that the Squatter Pigeon is a medium-sized, ground-dwelling pigeon that inhabits the grassy understory of open eucalypt woodland and savannas near permanent water sources such as rivers, creeks and waterholes. Habitat for the Squatter Pigeon is defined as open to sparse forests, open woodlands and scrub. The ground cover is typically patchy and consists of native, perennial tussock grasses or a mix of native grasses and shrubs. The remaining ground surface consists of gravel or dusty soil and is lightly covered with leaf litter and wooden debris. The subspecies also prefers to forage and dust-bathe on bare ground under open canopy trees.
- 73) The conservation advice states that the Squatter Pigeon forages for seeds among sparse and low grass, in improved pastures, and beside railway lines. The species is locally dispersive or resident, with no long-distance seasonal movements.

Threats

- 74) I noted that the Squatter Pigeon was detected during desktop surveys in numerous locations across the Moranbah area, with the closest records to the action from 2022 and 2023, located 10 km from the action (*Atlas of Living Australia*). It was also detected during field surveys for the current Caval Ridge Mine in 2006 and 2008.

- 75) Targeted surveys for the Squatter Pigeon included 168 hours of active searches, 66 hours of bird surveys, waterbody surveys and opportunistic driving searches conducted during the dry season (November to December 2019) and wet season (March 2020). The Squatter Pigeon was not detected during surveys.
- 76) I considered that the proponent's site survey effort for the Squatter Pigeon is consistent with the survey recommendations outlined in the department's SPRAT Database and *Survey Guidelines for Australia's Threatened Birds. EPBC Act survey guidelines 6.2* (2010).

Habitat assessment

- 77) I noted that the preliminary documentation uses the Central Queensland Habitat Descriptions (2020) to define habitat within the project area. Habitat includes:
- Preferred habitat: Remnant or regrowth grassy open forest to woodland dominated by *Eucalyptus*, *Corymbia*, *Callitris* or *Acacia* with patchy; relatively sparse ground cover vegetation (<33 %) and sparse shrub layer on well-draining sandy, loamy or gravelly soils within 1 km of suitable permanent waterbody; excluding areas dominated by introduced pasture grasses.
 - Suitable habitat: Remnant or regrowth grassy open forest to woodland dominated by *Eucalyptus*, *Corymbia*, *Callitris* or *Acacia* with patchy; relatively sparse ground cover vegetation (<33 %) and sparse shrub layer on well-draining sandy, loamy or gravelly soils between 1 km and 3 km of a suitable permanent or seasonal waterbody; including non-remnant areas within 100 m of preferred habitat.
 - Marginal habitat: Non-remnant areas, regrowth and remnant woodland or forest areas more than 3 km from a permanent or seasonal waterbody that facilitates the movement of the species between the patches of preferred or suitable habitat.
- 78) I noted that the conservation advice does not categorise habitat as preferred, suitable or marginal, however, when considering these definitions as a whole, they are in accordance with the conservation advice.
- 79) The proponent stated that the project area includes 74.12 ha of preferred and 155.60 ha of suitable habitat. No marginal habitat was identified in the project area. All habitat is within 1 to 3 km from a water source with a ground cover containing non-native weeds such as Buffel Grass and Red Natal Grass which has degraded the quality of habitat.
- 80) I noted that the preliminary documentation states that an 'important population' is not present in the disturbance footprint due to no recent records of the Squatter Pigeon being found in the project area. An 'important population' in accordance with the significant impact guidelines is a population that is necessary for a species' long-term survival and recovery. I agreed with the proponent's conclusion.

Impact assessment

- 81) The action would clear up to 54.82 ha of preferred (breeding and foraging) and 28.71 ha of suitable (foraging) habitat for the Squatter Pigeon.

- 82) I noted that the preliminary documentation states that impacts to the species may include habitat degradation with associated edge effects due to clearing, species injury and mortality, and increased predation by feral animals.
- 83) I noted that the proponent, based on the significant impact guidelines, considers that the action would not significantly impact the Squatter Pigeon. The proponent stated that the project area does not contain an important population of the species, the action would not interfere substantially with the recovery of the species or adversely affect habitat critical to the survival of the species. I disagreed with this conclusion.
- 84) I considered that, although the Squatter Pigeon has not been identified on site during surveys, the action would affect habitat critical to the survival of the Squatter Pigeon as habitat within the project areas contains key breeding and foraging habitat features such as proximity to water sources, sparse ground cover and preferred vegetation types.

Avoidance, mitigation and management measures

- 85) I noted the proponent has committed to avoidance and mitigation measures for threatened species outlined at paragraph 56) to 59) above.
- 86) The proposed avoidance and mitigation measures provided would minimise injury and mortality to the Squatter Pigeon through the use of a spotter-catcher, speed reductions and the implementation of a feral pest and weed control program.
- 87) I noted that avoidance and mitigation measures are contained within management plans which would be implemented for the duration of the approval. The plans are outlined at paragraphs 58) and 59). These management measure would aim to mitigate impacts caused by injury and mortality, erosion, weeds, pests, dust, noise and lighting.

Compensatory measures

- 88) I noted that the proponent states that the action is unlikely to have a residual significant impact on the Squatter Pigeon. I did not agree with this conclusion, as the action would clear 54.82 ha of preferred and 28.71 ha of suitable habitat for the species which the department considers is habitat critical to the survival of the species. I believed that the action would result in a residual significant impact to the Squatter Pigeon, requiring an offset.
- 89) I noted that the department discussed this situation with the proponent and that the proponent was aware that the provision of offsets for the Squatter Pigeon may form a condition of approval.

Conditions of approval

- 90) The department recommended, and I agreed with, conditions 1 and 2 which define the maximum extent of clearing for the Squatter Pigeon. I considered this would ensure the project remains within the assessed project and disturbance area.
- 91) To enforce the proponent's proposed measures to avoid and mitigate impacts on individual Squatter Pigeons, the department recommended, and I agreed with, conditions 3 and 4,

requiring the approval holder to implement protocols for the expert detection and relocation of Squatter Pigeons occurring within development areas.

- 92) To enforce the proponent's proposed measures to avoid and mitigate impacts on Squatter Pigeon habitat, the department recommended, and I agreed with, conditions requiring the approval holder to implement the following plans included with the preliminary documentation, within the project area:
- erosion and sediment control plan (conditions 5 and 6)
 - threatened flora and fauna ecological communities management plan (conditions 7 and 8)
 - weed and feral animal management plan (conditions 9 and 10)
- 93) Also to enforce the proponent's proposed measures to avoid and mitigate impacts on Squatter Pigeon habitat, the department recommended, and I agreed with, conditions 11 to 13, requiring the approval holder to implement the PRCP required under their EA.
- 94) To compensate for the residual significant impacts of the action to the Squatter Pigeon, the department recommended, and I agreed with, conditions 25 to 30, requiring the approval holder to prepare and implement an offset management plan to offset residual significant impacts to the Squatter Pigeon in accordance with the department's relevant policies. Offset sites must be managed prior to the commencement of the action, and secured within 2 years of commencement of the action, and at least until the expiry of the approval.

Conclusion

- 95) I considered all available information, including the nature of the action, the preliminary documentation, implementation of the proposed measures to mitigate and manage impacts, the conservation advice, relevant threat abatement plans, and the significant impact guidelines.
- 96) I concluded that the action would have a residual significant impact on the vulnerable Squatter Pigeon. However, I was satisfied that, with the proposed approval conditions and implementation of the proposed avoidance, mitigation, management and offset measures, the action would not have an unacceptable impact on the vulnerable Squatter Pigeon.

King Blue-Grass (*Dichanthium queenslandicum*) – endangered

Description

- 97) The *Conservation Advice for Dichanthium queenslandicum (King Blue-Grass)* (2013) (the conservation advice) states that King Blue-Grass is endemic to central and southern Queensland with the distribution overlapping with a number of EPBC listed threatened ecological communities including Brigalow (*Acacia harpophylla* dominant and co-dominant).

Threats

- 98) The conservation advice lists the main threats to King Blue-Grass as habitat loss through agricultural and mining activities, grazing and intolerance to heavy stocking regimes and invasion of weeds such as *Parthenium* and *Parkinsonia*.

Species presence

99) I noted that King Blue-Grass was identified in the project area during baseline Caval Ridge surveys conducted in 2008. During ground-truthing surveys conducted in 2020, the proponent identified 11.8.11 RE (*Dichanthium sericeum* grassland) in the project area. The proponent has mapped this area as all King Blue-Grass habitat, despite no individual plants being observed. No targeted surveys were conducted to identify the species.

Habitat assessment

100) I noted that the proponent has defined habitat as consisting of native grasslands and open woodlands characterised by a grassy understory and a canopy composed of Mountain Coolabah (*Eucalyptus orgadophila*), *Corymbia erythrophloia* and *Eucalyptus coolabah*. The proponent also stated that King Blue-Grass co-occurs with other blue-grass species as well as other native grasses associated with heavy, black soils types. In the project area, 31.44 ha of suitable habitat has been mapped for the King Blue-Grass. I noted that the department supported the habitat definition used by the proponent as it is in line with the SPRAT database.

101) There is no authoritative definition of habitat critical to the survival of King Blue-Grass. 'Habitat critical' in accordance with the significant impact guidelines refers in general to an area that is necessary:

- i) *For activities such as foraging, breeding, roosting or dispersal*
- ii) *For the long-term maintenance of the species*
- iii) *To maintain genetic diversity and long-term evolutionary development; or*
- iv) *For the reintroduction of populations or recovery of the species.*

102) The preliminary documentation states that habitat is considered to be 'habitat critical' to the survival of the species. I agreed with the proponent's conclusion.

Impact assessment

103) I noted that the action would clear 23.40 ha of suitable King Blue-Grass habitat.

104) I also noted that the preliminary documentation states that indirect impacts to King Blue-Grass habitat are largely associated with edge effects including weed encroachment, erosion and sedimentation and dust deposition.

105) Based on the significant impact guidelines, the proponent considers that the action would significantly impact on King Blue-Grass habitat due to the presence of suitable habitat which has been determined as 'habitat critical to the survival of the species'. I agreed with the proponent's conclusion. For this reason, I believed that the action would have a significant impact on King Blue-Grass due to clearing of habitat that is critical for the survival of the species.

Avoidance, mitigation and management measures

106) The proponent has provided the following avoidance and mitigation measures for mitigating edge effects to King Blue-Grass:

- i) Vehicle hygiene measures will be implemented, including wash down bays / pads, vehicles to remain on access tracks and avoid driving over weed population and topsoil stockpiles.
- ii) All rehabilitation material will be assessed and determined as weed free prior to being brought on the project area.
- iii) Weed monitoring, treatment and reporting to be conducted within the project area alongside a feral animal control program.
- iv) Erosion and sediment controls including diversion of run-off to sediment dams and implementation of local temporary erosion control measures.

107) I noted that the above avoidance and mitigation measures are contained within management plans which will be implemented for the duration of the approval. These management measures will aim to mitigate impacts caused by injury and mortality, erosion, weeds, pests, dusts, dust, noise and lighting. **58)** The plans are outlined at paragraphs 58) and 59).

Compensatory measures

108) I noted the proponent states that the action is likely to have a residual significant impact on King Blue-Grass due to the clearance of 23.40 ha of habitat critical to the survival of the species, requiring an offset area. I agreed with the proponent's conclusion.

109) The proponent provided an Offset Strategy and Offset Management Plan for King Blue-Grass, committing to the provision of a 33.0 ha offset area. The proposed Inderi offset site is a cattle station located 242 km south of the action. I noted that the proponent currently has three offset areas (two in progress and one established) for values associated with natural grasslands threatened ecological community (TEC) on this site, with which King Blue-Grass is often co-located. The proponent states that this offset area will facilitate connectivity between the established BMA offset area and the new in-progress offset area. Remnant and non-remnant vegetation and grasslands, consistent with King Blue-Grass habitat is located in the offset area, with the current ground cover layer consisting of introduced species such as Buffel Grass, Red Natal and Parthenium.

110) I noted that no King Blue-Grass individual plants were observed in the Inderi Offset area during surveys conducted in May 2021, however the offset area is located between two confirmed records of the species in the neighbouring BMA offset area. One record is located to the south-east (700 metres (m) away) and to the north-west (approximately 2.6 km away) from the proposed offset area. I considered that the proposed offset area is suitable due to the proximity of records in neighbouring areas.

111) I noted that the proponent has committed to improving the BioCondition score from 5 to a 7 over a 20-year period in the offset area management plan. Known threats to King Blue-Grass will be managed so that a 2-point gain is achieved. Livestock grazing will be controlled and only permitted during the late dry season to maintain 50% ground cover. During the wet season, livestock will be removed to allow for King Blue-Grass seeding and natural regeneration. Weed invasion and competition will be managed through manual or chemical methods, appropriate weed hygiene and fire management measures.

Conditions of approval

112) The department recommended, and I agreed with, conditions 1 and 2 which define the maximum extent of clearing for King Blue-Grass. I considered this would ensure the impacts remain within the assessed project and disturbance area.

113) To enforce the proponent's proposed measures to avoid and mitigate impacts on King Blue-Grass habitat, the department recommended, and I agreed with, conditions requiring the approval holder to implement the following plans included with the preliminary documentation within the project area:

- erosion and sediment control plan (conditions 5 and 6)
- threatened flora and fauna ecological communities management plan (conditions 7 and 8)
- weed and feral animal management plan (conditions 9 and 10)

114) Also to enforce the proponent's proposed measures to avoid and mitigate impacts on King Blue-Grass habitat, the department recommended, and I agreed with, conditions 11 to 13, requiring the approval holder to implement the PRCP required under their EA.

115) To compensate for the residual significant impact to King Blue-Grass, the department recommended, and I agreed with, conditions 25 to 30, requiring the approval holder to secure and manage environment offset areas to improve BioCondition scores as identified and detailed in the offset area management plan (OAMP) and offset strategy (OS) provided in the preliminary documentation. Offset sites must be managed prior to the commencement of the action, and secured within 2 years of commencement of the action, and at least until the expiry of the approval.

Conclusion

116) I considered all available information, including the nature of the action, the preliminary documentation, implementation of the proposed measures to avoid, mitigate manage and offset impacts, the conservation advice, and the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines - Matters of National Environmental Significance 2013*

117) I accepted that the action would have a residual significant impact on the endangered King Blue-Grass. However, I was satisfied that, with the proposed approval conditions and implementation of the proposed avoidance, mitigation, management and offset measures, the action would not have an unacceptable impact on the endangered King Blue-Grass.

Listed threatened species and ecological communities (section 18 and 18A) – not likely significantly impacted

118) In the request for further information (dated 1 December 2021), the department requested further information for the Poplar Box Grassy Woodland on Alluvial Plains TEC (endangered).

Poplar Box Grassy Woodland on Alluvial Plains TEC – endangered

Description

- 119) I noted that the *Conservation Advice* (including listing advice) for the *Poplar Box Grassy Woodland on Alluvial Plains (2019)* (the conservation advice), the TEC is located west of the Great Dividing Range at scattered locations at less than 300 m above sea level. The TEC has a wide distribution and can withstand a large range of temperatures from 3.5°C to 34.8°C and receive a mean annual rainfall from 400 millimetres (mm) to 800 mm per year.
- 120) Vegetation within the TEC varies from grassy open woodland to grassy woodland with an open forest structure and overstory dominated by *Eucalyptus populnea* (Poplar Box) which typically ranges up to 20 m tall. The mid layer is generally patchy and is between 1 to 10 m in height and can include *Acacia aneura*, *Alectryon oleifolius*, *Apophyllum anomalum*, *Atalaya hemiglauca*, *Eremophila mitchellii* and *Geijera parviflora*. The understory is predominantly composed of perennial forbs and C4 grasses less than 1 m in height.

Threats

- 121) I noted that the conservation advice outlines the main threats to the Poplar Box TEC as clearance and fragmentation, weed and pest invasion, inappropriate fire and grazing practices, dieback, chemical impact and spray drift, increased salinity of water sources due to over clearing which inhibits growth and health of the TEC, and nutrient enrichment of the soil from agricultural activities which affects low nutrient adapted plant communities.

TEC presence

- 122) I noted the preliminary documentation states that RE (regional ecosystem) 11.3.2, which is associated with the TEC, was found within the project area, but it did not meet the diagnostic criteria to be classified as Poplar Box TEC.
- 123) An assessment against the condition thresholds for the TEC outlined in the conservation advice was completed by the proponent. The areas of vegetation did not meet the criteria threshold as:
- the percentage of perennial vegetation cover in the ground layer was <50% and was dominated by exotic species
 - native plant species richness per patch size was <20% due to exotic species dominance
 - the number of mature trees within the small patch size was not >10
- 124) Based on these criteria, the proponent concluded that the vegetation within the project area is not Poplar Box TEC. I agreed with the proponent's conclusion.

Conclusion

- 125) As the TEC condition thresholds were not met, I agreed with the proponent's conclusion that the action would not significantly impact the Poplar Box Grassy Woodland on Alluvial Plains TEC.

Water resource, in relation to coal seam gas development or large coal mining development (sections 24D and 24E)

126) In accordance with section 131AB of the EPBC Act, I am required to obtain advice from the IESC before deciding whether or not to approve, for the purposes of the controlling provision, the taking of the action.

127) On 3 September 2022, the IESC provided advice on potential key impacts of the action to water resources, identifying the key impacts as:

- i) changes to downstream water quality from controlled releases of untreated mine-affected water into Cherwell Creek
- ii) changes to downstream water quality from uncontrolled releases (potentially including runoff from the out-of-pit waste dump) from sediment dams whose overflow enters Horse, Cherwell, Caval and Nine Mile Creeks
- iii) both of the above are likely to add to the existing cumulative impacts on water quality in the Isaac River from the extensive coal mining operations in the catchment
- iv) impacts to downstream aquatic biota, including several EPBC Act-listed species, and groundwater-dependent ecosystems (GDEs) from altered surface water quality
- v) changes to the water quality of the alluvial aquifers associated with Horse, Caval, Cherwell and Nine Mile creeks from water releases, with potential impacts to GDEs supported by these aquifers

128) Further, the IESC advice identified key areas in which additional work would be required to address the key potential impacts of the action. In summary, these areas include:

- i) expanding the surface water quality monitoring program to sample Horse, Caval, Cherwell and Nine Mile creeks where controlled and uncontrolled releases (including spills from sediment dams) may occur
- ii) derivation and adoption of local water quality objectives (WQOs) for surface and groundwater quality or the adoption of default guideline values (ANZG 2018) based on the 95% species protection level for 'slightly to moderately disturbed' ecosystems
- iii) further analysis and assessment of the potential cumulative impacts to surface water quality and downstream biota
- iv) further assessment of the presence and susceptibility of GDEs to impacts from the project

129) On 5 September 2022, the proponent was provided with a copy of the IESC advice. On 17 April 2023, the proponent provided a response to the IESC in the revised preliminary documentation. On 27 July 2023, the proponent provided a version of the preliminary documentation which the department considered, and I agreed, contained sufficient information to address the IESC's concerns.

Surface water resources

Action area

- 130) Horse Creek and Cherwell Creek are tributaries of the Isaac River which is part of the larger Fitzroy River Basin. The project area is located primarily within the Horse Creek Catchment, with a small portion within the Cherwell Creek Catchment.
- 131) Horse Creek is located on the western side of the existing Caval Ridge Horse Pit. The creek flows north-east, converging with Grosvenor Creek. The catchment size of Horse Creek to the junction with Grosvenor Creek is 57 km², with the project covering 4 km² of the catchment.
- 132) The headwaters of Cherwell Creek are located to the west of the current mining leases. The project area is located on a small, unnamed tributary of Cherwell Creek. The catchment size of Cherwell Creek is 700 km², with the project area covering 3 km² of the catchment.
- 133) The watercourses within and surrounding the project area are ephemeral in nature. There are no licensed surface water users within a 10 km radius of the project area.

Impacts

- 134) I noted that the preliminary documentation stated that the volume of mine affected water (MAW) is not expected to increase from current operations due to the action, however the catchments that contribute to runoff volumes will increase as the mine pit progresses and flood levees are constructed.
- 135) I noted that the proponent has stated that potential impacts of the action on surface water include:
- i) Impacts to downstream flow due to the reduction in size of the Horse Creek Catchment by 7%, Cherwell Creek catchment by 0.4%, and the Isaac River catchment at the confluence of Grosvenor Creek by 0.2%. The proponent considers these changes to be minor and unlikely to impact downstream users.
 - ii) Unlikely creek geomorphology changes due to localised changes in flow regime that allow gully and sheet erosion.
 - iii) Water quality impacts to the downstream environment from sedimentation and contamination. This includes runoff from the out-of-pit-dump, however the proponent has assessed this as generally being fresh, low in sulphur content and infrequent.

Cumulative impacts

- 136) The surface water impact assessment incorporated the current operations and new action.
- 137) I noted that a water balance model has been used to examine the proposed water management system and the likelihood and magnitude of releases and spills. The basis of the water balance model is the Central Region Water Network model which considers all four BMA mines in the vicinity of the proposed project area. The model accounts for the EA conditions on all releases at the four mines, considering the water quality requirements in the source / release storage and receiving waterbody. The linked water balance model also considers climate variability and

allows the system to transfer water between mine sites using the Central Region Water Network pipeline. This seeks to reduce the amount of raw water used on site and allows water to be stored and released appropriately. This proponent considers that this reduces the likelihood of uncontrolled releases across all four mine sites and provides confidence in release volumes, decreasing the risk of cumulative impacts on surface water quality.

138) The surface water assessment has also considered the impacts associated with water releases during dry, average and wet years. During average or wet events, the receiving waterways would be flowing in significant volumes between 20 and 250 m³/s and typical releases during these events would be 0.3 m³/s (average) and 1 m³/s (wet). The proponent has predicted that water quality impacts from releases during average or wet events would be minimal as the releases would be diluted and in accordance with EA condition.

Mitigation and management

139) The proponent states that the impacts to surface water will be managed in accordance with the existing Caval Ridge EA conditions. The action is to be integrated with the existing water management system at Caval Ridge. A water management plan (WMP), erosion and sediment control plan (ESCP), receiving environmental monitoring plan (REMP) and land and biodiversity management plan (LBMP) are in place for the current Caval Ridge operations.

140) I noted the water management plan for the existing operations is informed by the water balance modelling and current EA conditions. The plan contains information regarding the storage of MAW, the quality of stored water and the reuse of water. It also includes water quality thresholds for release events, release event amounts and flow condition parameters.

141) The proponent has also committed to the following water management approaches:

- i) Stormwater runoff from undisturbed areas will be diverted away from disturbed areas to avoid contamination and remain within the surrounding catchments outside the project area.
- ii) Runoff from MAW catchments will be diverted to designated MAW dams where water will be prioritised for operational use or dust suppression, or be transferred to the MAW cell of the mine water discharge dam.
- iii) Sediment laden runoff will be captured in sediment dams and re-used for dust suppression or transferred to the clean water cell of the mine water discharge dam.
- iv) An erosion and sediment control plan for the existing operations details control measures to mitigate impacts to surface water. Objectives of the plan include:
 - i) Compliance with the EA
 - ii) Minimise and mitigate erosion and sedimentation from construction and operations
 - iii) Prevent degradation of water quality from erosion and sedimentation
 - iv) Separation of runoff from disturbed and undisturbed areas

- v) Diversion of water from disturbed catchments to mine water storages or sediment dams
- vi) Diversion of clean water away from areas of existing or planned disturbance
- vii) Rehabilitation of disturbed areas to allow vegetation propagation and regrowth
- viii) Improvement of erosion prone areas.

142) The preliminary documentation proposes that impacts to surface water from erosion are managed through measures such as revegetation, mulching, gravelling, erosion control blankets and rock armouring. Potential drainage control measures to reduce erosion include the implementation of catch drains, diversion channels and banks, chutes, level spreaders and slope drains. I noted that these erosion control measures relate to the Caval Ridge Mine in general and are not specific to the action.

143) The proponent proposes that visual assessments of receiving waterways are also carried out on a routine basis and post any flow events to identify potential erosion and sedimentation. Mitigation actions will be developed by the proponent following any adverse findings.

144) I noted the preliminary documentation states that MAW is only to be discharged from the one authorised discharge dam, as for the existing operations. Conditions set in the EA provide environmental triggers under which the proponent may release MAW to Cherwell Creek. For the existing operations, there have been three releases from the discharge dam since mining commenced. MAW is not treated prior to release, but water is only released when water quality and flow parameters meet the thresholds defined in the EA. Release events also must not cause erosion to receiving environments or cause a build-up of sediment. I noted that the proponent monitors releases at the existing operations through streamflow gauging stations and comparison of downstream data to background monitoring data.

145) The preliminary documentation states that flood modelling has been carried out to determine appropriate flood protection infrastructure. Two flood protection levees will be installed, one at Horse Pit North and one at Horse Pit West to protect the Horse Pit from flood ingress and flooding of the out of pit dump. A road crossing at Horse Creek will also be developed to minimise the impacts of flooding. The levees and road crossing are to be managed in accordance with the EA conditions.

146) Additional water management infrastructure will be installed and implemented within the project area to manage impacts to surface water from the action. This includes stormwater runoff, MAW diversions, the installation of sediment dams, storage of hydrocarbon and chemical products in bunding, and spill capture and retention devices.

147) I noted that the proponent has committed to the following surface water mitigation measures to be carried out during the construction stage of the project. Measures include:

- i) Bunding and appropriate storage of fuels, hazardous and flammable materials
- ii) Oil spill recovery equipment to be available when working adjacent to drainage channels

- iii) Refuelling locations and handling of fuels to be undertaken away from waterbodies
- iv) Construction of the Horse Creek crossing to occur during the dry season to minimise soil disturbance
- v) Rehabilitation of disturbed areas as soon as practical.

148) To enforce the proponent's proposed water management measures, the department recommended, and I agreed with, the inclusion of a condition that requires the proponent to develop a water management plan for the Horse Pit Extension which intends to prevent avoidable impacts to water resources, and detect and mitigate unavoidable and accidental impacts.

149) The proponent has committed to surface water monitoring which includes monitoring in accordance with the current BMA REMP, which will be outlined in a water management plan to be provided to the department for approval prior to commencement of the action. The REMP is a single regional monitoring program covering multiple BMA mine operations, including Caval Ridge. Monitoring is undertaken at seven locations, two upstream, one downstream of the release point on Cherwell Creek, and four downstream along the Isaac River. Monitoring occurs during release events at specified intervals such as daily or weekly as outlined in the EA. A set of criteria are used to indicate if further investigation is required when adverse trends or changes are detected. The proponent has committed to undertaking annual REMP monitoring, reviewing the opportunity to develop site specific water quality objectives based on the data available.

150) I noted that the proponent states that DETSI established the Fitzroy Basin REMP in June 2023. This will replace the BMA REMP with a basin-wide integrated program that meets the objectives of the REMP regulatory requirement under the EA.

151) A PRCP is required for the current Caval Ridge operations and the action in accordance with the existing EA conditions. I noted that DETSI was assessing the plan at the time of this decision and once approved, the plan will aid in managing impacts to surface water.

Conclusion

152) Having regard to the information before me, I was satisfied that the action will not have an unacceptable impact on surface water, provided that it is undertaken in accordance with the proposed mitigation and management measures, the Queensland EA and the approval conditions set out in paragraphs 190) to 192).

Groundwater resources

Action area

153) The following hydrogeological units are present in the proposed project area:

- i) Isaac River Alluvium
- ii) Regolith
- iii) Tertiary-Quaternary Alluvium

- iv) Tertiary Basalt
- v) Triassic Strata
- vi) Permian Coal Measures (Blackwater Group).

154) I noted that the proponent states that the action and current activities at Caval Ridge Mine are carried out in accordance with the amended Water Act which came into effect in 2016. Under the Water Act, the proponent currently abides by the *Water Plan (Fitzroy Basin) 2011*.

Impacts

Groundwater drawdown

155) I noted that a groundwater numerical model predicted that groundwater inflows to the Horse Pit extension average 0.55 ML/day, reaching a predicted maximum of 0.75 ML/day at the end of the project life. The preliminary documentation states that the action would affect groundwater within the Issac Connors Groundwater Management Area (GMA – Zone 34) of the Fitzroy Basin under the Water Plan. The Water Plan consists of Groundwater Unit 1 (containing aquifers of the Quaternary alluvium) and Groundwater Unit 2 (sub-artesian aquifers). All direct groundwater take predicted by the groundwater model is from Groundwater Unit 2, as the planned operations would not intercept Quaternary alluvium. Groundwater take from Groundwater Unit 2 because of the open cut pits would be on average 133.9 ML/year.

156) The groundwater impact assessment predicts that there would be no groundwater drawdown in the Quaternary alluvium. The drawdown extent in the Regolith would be largely confined to the project area, with a drawdown influence of 1 m predicted to extend up to 2.9 km north of the mining lease boundary. The drawdown in the coal seams of the Moranbah coal measures is expected to extend 10 km and 12 km to the east and north-east of the project area.

157) Impacts to third-party bores are predicted to be minimal as there are no known privately-owned bores in the unconsolidated (Alluvium and Regolith) or consolidated (Permian coal measures) aquifers that lie in the predicted extent of project related drawdown greater than 1 m.

158) The groundwater model predicts that there would be less than a 0.01% increase in the average rate of seepage from the Isaac River to the alluvium, being less than 3.65 ML/year. There is also no change in net flow of the creeks within the vicinity of the project area. Therefore, I considered that it was unlikely that the flow rate of the Isaac River or the creeks would be reduced significantly.

Groundwater quality

159) I noted that the action may result in impacts to groundwater quality from actions related to the out of pit dump (OOPD) and in pit waste rock emplacement areas. The OOPD may produce leachate seepage due to rainfall inundation, impacting on groundwater quality. The proponent considers that this is unlikely to occur as a geochemical assessment found that the waste rock material would generally be non-acid forming, fresh, and low in sulphur content. Also, the flow gradient from the OOPD and in pit waste rock emplacement areas to the open cut void would inhibit seepage to the alluvium and sediments above the Regolith. Further, the OOPD generally

comprises of soil and clays up to 10 m thick, so this would also inhibit seepage to the alluvium and Regolith. Therefore, I considered it was unlikely that leachate from the OOPD and waste rock emplacement areas would seep into groundwater.

- 160) I noted that the open cut pit is proposed to be progressively backfilled and rehabilitated as space becomes available. Water levels within these backfilled areas are predicted to recover back towards pre-mining levels. Leachate would generally be fresh and low in sulphur content, minimising the potential for a change in groundwater quality in the unlikely event that seepage enters the groundwater system.
- 161) Modelling relating to the final void has predicted that final void water levels would equilibrate to 120 m Australian height datum (AHD), approximately 70 to 90 m below the pre-mining groundwater levels. Therefore, the final void would function as a sink to groundwater flow. The proponent has predicted that water in the final void would evaporate and draw in groundwater from the surrounding strata and runoff from the final void catchment areas. Over time, salts would be concentrated in the void water. The preliminary documentation states that this gradual increase in salinity is unlikely to pose a risk to groundwater as the final void would remain as a sink in perpetuity.

Cumulative impacts

- 162) I noted that the Groundwater Impact Assessment states that the vast majority of the predicted cumulative drawdown impacts are not related to the project but result from existing and approved mining activities represented in the groundwater model.
- 163) The groundwater model predicts that there would be no cumulative drawdown impacts for the Quaternary alluvium within or surrounding the project area. The maximum cumulative drawdown impacts are predicted within the Isaac River alluvium in the south near the Olive Downs South operations. Cumulative drawdown impacts can be seen in the Regolith as the project drawdown connects to drawdown impacts at Peak Downs mine. Drawdown impacts in the coal seams of the Moranbah coal measures interact with the impact zones of multiple other underground mines, with drawdown extending approximately 13 km to the east and 10 km to the north of the project area.
- 164) I noted there are no predicted interactions between the final void of the action and the final void of the surrounding mines. It is expected that all final voids of nearby mines would function similarly to Caval Ridge, having a relatively deep void lake and acting as a hydraulic sink, therefore, not recharging groundwater in the area. The proponent has concluded that the risk of these final voids interacting is unlikely, concluding that the risk to groundwater from final voids is minimal to none.

Mitigation and management

- 165) No privately owned bores are located in the project area. If a privately owned bore is installed in the future in the extent of drawdown related to the project, the proponent has committed to abiding by the Water Act and 'make good provisions' for the additional impacts, ensuring that the bore user has access to a similar quantity and quality of water for their authorised purpose.

The proponent may do this by deepening the bore to increase pumping capacity, constructing a new bore, providing water for an alternative source or financial compensation.

166) I noted that the proponent has committed to the following mitigation measure to reduce the likelihood of groundwater contamination, which will be outlined in BMA's Groundwater Monitoring and Management Plan to be provided to the department for approval prior to commencement of the action. Key mitigation strategies include:

- i) Workshop and fuel / chemical storage areas are developed in accordance with the EA conditions and Australian Standards; and
- ii) Adequate bunding and spill kits to be located at refuelling and chemical storage areas.

167) In accordance with the EA conditions, the proponent has developed a groundwater monitoring system for the current mine operations which ensures the groundwater quality is in line with locally derived water objectives. Groundwater level and quality monitoring for the current mine and the extension would continue throughout the life of the project.

168) The current groundwater monitoring network includes eight monitoring bores and one vibrating wire piezometer (VWP) sensor installed across all relevant hydrostratigraphic units, including the shallow groundwater system. A new bore will also be installed to monitor any possible seepage from the OOPD.

169) I noted that as the mine progresses, some monitoring bores would need to be replaced. The proponent has committed to relocating bores two years prior to being mined out, locating them outside of the proposed future mining footprint.

170) Monitoring requirements and trigger levels are outlined in BMA's Groundwater Monitoring and Management Plan, required under the EA. The proponent has committed to developing site specific water quality triggers for each bore in accordance with DESI guidelines (2021). If trigger levels are exceeded on three consecutive monitoring occasions, an investigation into the potential for environmental harm will be conducted.

Conclusion

171) Having regard to the information before me, I was satisfied that the action will not have an unacceptable impact on groundwater, provided that it is undertaken in accordance with the proposed mitigation and management measures, the Queensland EA and the conditions of approval set out in paragraphs 190) to 192).

Groundwater-dependent ecosystems (GDEs)

Action area

172) A GDE assessment was undertaken by the proponent to determine presence and whether the action would significantly impact either subterranean GDEs, aquatic GDEs or terrestrial GDEs. This was done through a desktop assessment, modelling of the predicted groundwater drawdown, and field surveys.

173) The predicted groundwater drawdown extent comprises the north-eastern extent of ML 1775 and adjacent properties along the Peak Downs Highway, Moranbah Access Road, and Peaks Downs Mine Road.

Aquatic GDEs

174) An aquatic ecology study that considered the presence of aquatic GDEs was conducted by the proponent. No obvious surface-expression of groundwater was found at mapped potential surface-expression GDE sites in the vicinity of the project area. Rather, these sites were representative of ephemeral waterway and wetland sites. There was also no difference in the aquatic ecological value between sites mapped as potential surface-expression GDEs and those not mapped. Both were considered to be of low to moderate value. As a result, aquatic GDEs were not considered further by the proponent.

Terrestrial GDEs

175) A terrestrial GDE assessment was undertaken by the proponent based on desktop assessments including literature reviews of Commonwealth and Queensland mapping, IESC remote sensing data and groundwater modelling.

176) I noted that there is 154 ha of terrestrial GDE habitat was mapped in the predicted drawdown extent (1 m) in the project area. Terrestrial GDEs in the project area were associated with riparian and floodplain communities and eight REs.

177) After further investigation with remote sensing, it was determined that 32.71 ha of likely terrestrial GDEs and 8.42 ha of potential terrestrial GDEs associated with RE11.3.25 are located in the predicted drawdown extent for the action.

178) Vegetation associated with this regional community was found to be in moderate condition across the mapped predicted drawdown extent.

Stygofauna

179) Groundwater in the Isaac River catchment is of a high salinity, making it not an ideal environment for subterranean stygofauna.

180) For the project, two stygofauna pilot studies were undertaken in accordance with the *Guideline for the Environmental Assessment of Subterranean Aquatic Fauna*. The guideline recommends that sampling be equally distributed between the project area and comparable areas nearby, and that sampling must occur in at least two seasons at least three months apart. Thirteen bores were sampled in April 2020 and ten bores were sampled in November 2020. Four bores were distributed throughout the project area and the rest were comparable bores nearby. The bores within the project area were only sampled in April 2020. Therefore, the department considers, and I agreed, that the recommendations of the guideline had not been met.

181) The Aquatic Ecology Impact Assessment notes that, of the 23 bores sampled in 2020, eight bores from each survey contained invertebrates. One Oligochaeta species, two Acarina (mites) species and a cyclopoid copepod were identified as potentially being stygofauna in bores. The proponent noted these are likely to be stygoxenes and not true stygofauna. Stygoxenes are a type of stygofauna that inhabit both surface and subterranean aquatic environments but have

only accidental or occasional presence in subterranean waters. The department disagreed with the proponent's conclusion that the invertebrates detected are not stygofauna and believes further investigation is needed. I agreed with the department's conclusion.

- 182) The aquatic ecology impact assessment notes that stygofauna communities are highly likely to occur further downstream of the project area, in the unconsolidated sediments and alluvium associated with Isaac River and the lower reaches of its major tributaries. This is because stygofauna are known to occur in unconsolidated sediments where they are most likely to occur in shallow depths < 20 m but often up to 50 m.

Impacts

- 183) I noted the proponent's conclusion that the action would not impact aquatic GDEs.
- 184) The preliminary documentation states that, of the 32.71 ha of likely terrestrial GDEs located within the predicted groundwater drawdown extent, 7.49 ha is likely to be impacted and 8.42 ha has the potential to be impacted. The total loss of ecosystem function of this area is considered in the preliminary documentation to be the worst-case scenario. This is because the likely terrestrial GDE is potentially facultative, so species may not be adversely affected by a change in the depth to groundwater. The IESC highlighted that groundwater is usually the last available water source for facultative GDEs during drought, and therefore loss of access to groundwater can have serious adverse impacts at times of considerable stress.
- 185) Terrestrial GDEs within and outside the project area may also be impacted by changes in groundwater quality and surface water quality from potential mining contamination and erosion and sedimentation.
- 186) I noted that the preliminary documentation states that impacts to stygofauna are unlikely. The aquatic ecology impact assessment notes that changes to groundwater quantity, quality and interactions are not expected in the unconsolidated sediments of the Isaac River alluvium, in the lower reaches of the Isaac River and at the confluences of larger tributaries where stygofauna communities are likely to occur. However, the IESC has noted that no bores were sampled near the confluence of Cherwell Creek and Isaac River or in the saturated sediments of the Isaac River downstream. Therefore, the department considered, and I agreed, that further investigation was needed to determine whether stygofauna may be impacted by the action through water quality changes.

Mitigation and management

- 187) As discussed above, mitigation methods, monitoring and management plans are to be implemented by the proponent to minimise impacts to surface water and groundwater (see paragraphs 139) to 165)).
- 188) I noted the proponent has also committed to developing and implementing a GDE monitoring and management plan which will outline key terrestrial GDE monitoring requirements and corrective actions if there is a decline in the condition of terrestrial GDEs within the project predicted drawdown area.

Conclusion

189) Having regard to the information before me, I was satisfied that the action will not have an unacceptable impact on GDEs, provided that it is undertaken in accordance with the proposed mitigation and management measures, the Queensland EA and the approval conditions set out in paragraphs 190) to 192).

Conditions of approval

190) The department recommended, and I agreed with, imposing conditions 14 to 21, requiring the approval holder to prepare and implement a water management plan (WMP) specific to the action. The WMP must be approved by the minister and implementation commenced, prior to the commencement of the action, and at least until the expiry of the approval. Conditions 17 and 18 require further work to survey for and manage stygofauna that may be impacted by the action.

191) The department recommended and I agreed with, conditions 22 to 24, requiring the approval holder to prepare and implement a GDE monitoring and management plan. The plan must be approved by the minister and implementation commenced, prior to the commencement of the action, and at least until the expiry of the approval.

192) To mitigate and manage potential impacts to water resources, the department recommended, and I agreed with, conditions 11 to 13, requiring the approval holder to implement the PRCP as required under the EA until the expiry of the approval.

Conclusion

193) I considered all available information, including the nature of the action, the preliminary documentation, the department's recommendation report and IESC advice.

194) I was satisfied that, with the implementation of the proposed mitigation and management measures to manage impacts, and compliance with the Queensland EA and conditions of approval, the action will not have an unacceptable impact on a water resource, in relation to coal seam gas development or large coal mining development (sections 24D and 24E of the EPBC Act).

Social and economic matters

195) Section 136(1)(b) of the EPBC Act required me, in deciding whether or not to approve the action, and what conditions to attach to the approval, to consider economic and social matters, so far as they are not inconsistent with any other requirement of Subdivision B of Division 1 of Part 9 of the EPBC Act.

196) I noted that during the public comment period for the draft preliminary documentation from 18 to 29 September 2023, the proponent received a total of 416 submissions. A summary of the topics raised in the submissions, and how the proponent addressed or responded to these, was provided to me in Appendix R of the finalised preliminary documentation.

197) I noted that, in the department's analysis of the public comments that were provided to the proponent, all submissions did not support the action. The majority of submissions were based on two template responses, with 22 submissions providing custom comments.

198) I noted that the main issues raised in the preliminary documentation public comment period were:

- How the action is contributing to climate change, specifically:
 - concerns with the production of 440 million tonnes of CO₂ from the action
 - concerns that the assessment did not include impacts of greenhouse gas emissions and
 - that the action does not align with the Paris Climate Agreement
- impacts to surface water from the release and uncontrolled spills of mine-affected water into Horse, Caval, Cherwell and Nine Mile creek. Also impacts of the releases / spills into the Great Barrier Reef
- impacts to GDEs
- concerns with the suitability of the water quality monitoring
- concerns with the cumulative impacts of mine-affected water releases to waterbodies
- concern with the size of the final mine void, noting that the level of rehabilitation would be unacceptable. Also concern with the increase in water salinity within the void
- impacts to listed threatened species, including the Ornamental Snake, Squatter Pigeon, King Blue-Grass, Australian Painted Snipe, Greater Glider, Koala, and Brigalow vegetation.
- concerns relating to impacts to the Echidna [not protected under the EPBC Act] and cumulative impacts surrounding mines to listed threatened species
- validity of the offsets provided

199) I acknowledged the matters raised against the action and discussion on these points, where relevant to the EPBC Act, is contained within the 'mandatory considerations' section above.

200) I noted that section 9 of the preliminary documentation provides a discussion on the social and economic matters relating to the action.

201) The proponent has stated that BMA is the largest employer in the Central Queensland region, employing 6,800 people directly. BMA has contributed to the economy through the purchasing of ~\$3M on equipment, goods and services in Queensland, ~\$600M in payments to the Government and ~\$111M spent in local townships and communities.

202) Potential negative social and economic impacts associated with the current Caval Ridge Mine were highlighted by the proponent. Negative impacts include living amenity matters such as dust, noise, vibration and traffic. I noted that BMA have implemented investments in accommodation, road and community infrastructure and programs to address these issues. Further, the proponent has implemented relevant mitigation measures to improve conditions over the life of the action, including the extension.

203) I noted the proponent has carried out public stakeholder consultation and engagement with neighbours and traditional owners. Consultation activities are on-going, with bi-annual meetings between BMA and the Isaac Regional Council.

204) I also noted that a Cultural Heritage Management Plan has been established by the proponent and agreed upon by the Barada Barna people who are the native title owners of the project area. All areas within the disturbance footprint have been assessed by the Barada Barna people for heritage significance. Heritage items were salvaged and monitoring areas have been identified. BMA also proposes to work with the Winnaa Pty Ltd team, the cultural heritage body set up to manage heritage through the Barada Barna Aboriginal Corporation, when carrying out further heritage works.

205) The reconsideration decision package included in my decision brief contains an exhaustive assessment of the impact of climate change caused by greenhouse gas emissions of the action on matters protected under the EPBC Act. I have provided a separate statement of reasons for my decision to confirm the original referral decision.

Factors to be taken into account

136(2) In considering those matters, the minister must take into account:

Principles of ecologically sustainable development – section 136(2)(a)

206) In deciding whether or not to approve the taking of an action and the conditions to attach to an approval, section 136(2)(a) of the EPBC Act provides that I am required to take into account the principles of ecologically sustainable development (ESD). The principles of ESD, as defined in section 3A of the EPBC Act, are:

- i) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- ii) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- iii) the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- iv) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- v) improved valuation, pricing and incentive mechanisms should be promoted.

207) In addition, section 391 of the EPBC Act provides that I must take into account the precautionary principle in deciding whether or not to approve the taking of an action. The precautionary principle requires that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

208) In making my decision, I took into account the precautionary principle by considering whether there are threats of serious or irreversible environmental damage with respect to the matters

protected by the EPBC Act and whether they will, or are likely to be, significantly impacted by the action, and considering whether there is a lack of scientific certainty.

209) The department considered, and I agreed, that there is a threat of serious or irreversible damage as a result of the action on the following protected matters:

- several listed threatened species and ecological communities (sections 18 and 18A)
- a water resource, in relation to coal seam gas development or large coal mining development (sections 24D and 24E)

210) Further, I considered that despite reasonable efforts on the part of the proponent, in some cases there is a lack of scientific certainty about impacts on the above listed protected matters.

211) I considered that my decision is consistent with the application of the precautionary principle. Where the action has the potential to contribute to threats of serious or irreversible damage to matters of national environmental significance, I decided to impose conditions to avoid, mitigate or offset (compensate for) those impacts.

212) With regard to other protected matters that are not controlling provisions, I considered that sufficient evidence is available to conclude that there is no way in which the action would conceivably contribute to threats of serious or irreversible damage to these matters. In making my decision, I took into account the principles of ecologically sustainable development. In particular, I took into account the following matters:

- i) The department's recommendation report and the preliminary documentation provided, which contain information on the long-term and short-term economic, environmental, social, and equitable considerations that are relevant to my decision.
- ii) Any lack of certainty related to the potential impacts of the project is addressed by the conditions I decided to impose, that restrict environmental impacts, impose strict monitoring, and adopt environmental standards which, if not achieved, require the application of response mechanisms in a timely manner to avoid adverse impacts.
- iii) The conditions I decided to impose will ensure protection of EPBC listed species and communities, and the environment of Commonwealth land. Those conditions allow for the project to be delivered and operated in a sustainable way to protect the environment for future generations and preserve EPBC listed species and communities in perpetuity.
- iv) I considered the importance of conserving biological diversity and ecological integrity in relation to all the controlling provisions for this project.
- v) The department's advice in its recommendation report included reference to and consideration of a range of information on the economic costs, benefits and impacts of the project. Based on the reference to relevant Queensland Government Planning and policy documents in the assessment documentation, I decided that the project has given consideration to evaluation, pricing, and incentive mechanism, relevant to the project.

Preliminary documentation – section 136(2)(bc)

213) In accordance with section 136(2)(bc), in deciding whether or not to approve the action, I considered the preliminary documentation under section 95B(1) and the recommendation report under section 95C.

Relevant comments – section 136(2)(f)

214) Public comments were invited on the referral and the draft assessment documentation. I considered that adequate public consultation for the action has occurred. Therefore, I did not invite public comment under section 131A on the proposed decision and recommended conditions of approval as I decided this was unlikely to elicit views or information that had not already been considered in relation to the action.

215) I have identified and summarised the relevant comments received from relevant ministers on the referral at paragraphs 13) to 16) and on the proposed decision at paragraphs 34) to 36) above, and had regard to those when making my decision.

216) Between 3 and 17 December 2024, the department consulted with the proponent on the proposed conditions of approval. The proponent's substantive concerns, and how I considered them, are as follows:

- a) The proponent queried requirements to monitor and manage stygofauna as part of the water management plan, noting that they concluded in the preliminary documentation that no stygofauna were identified during surveys. The department noted the proponent's concerns but stated that not enough survey work had been done to confirm lack of presence. The department therefore recommended, and I agreed, to amend condition 18 to require further information on stygofauna management, like trigger thresholds and corrective measures, only if the minister believes that stygofauna may be significantly impacted after the stygofauna survey program (condition 17) has been completed.
- b) The proponent noted that proposed condition 23 requiring the avoidance of any harm to TGDEs conflicts with expected impacts to TGDEs resulting from groundwater drawdown occurring as part of the action. The department noted this inherent conflict and recommended removing the condition, noting that other conditions require the creation and implementation of a terrestrial groundwater dependent ecosystem monitoring and management Plan, which satisfy the department's concerns about potential additional impacts to TGDEs. I agreed with the department's recommendation.
- c) The proponent queried proposed condition 24, which required TGDE monitoring within 10 km of the action, noting this entered the 'area of influence' of neighbouring mines outside the proponent's control. The department's intention for the 10 km buffer was to ensure that groundwater impacts were adequately assessed and monitored. However, the department noted the proponent's concern and that groundwater drawdown for the action is only predicted to be a maximum of 3.4 kilometres. The department recommended revising the area for assessment to remove potential complications with neighbouring mine operations, while still meeting the environmental objectives of managing TGDEs.
 - i) I agreed with the department's recommendation to revise the conditions (final condition 23) to include identification of a 'groundwater area of investigation' comprising the maximum modelled groundwater drawdown area plus a 500 m buffer

to account for potential inaccuracies in groundwater impacts modelling. I amended other sub-conditions to reflect that the assessment is to be conducted within the groundwater area of investigation rather than within 10 km of the project area.

- d) The proponent requested a change to proposed condition 26, which required the approval holder to legally secure the Croydon and Inderi offset areas prior to commencement of the action. The proponent stated that legal security of the properties may take a long time and would delay commencement of the action. The proponent also stated they had control over the offset properties via contracts with landholders and would be able to begin implementing the OAMPs prior to commencement of the action.
- i) The department recommended, and I agreed, to change final condition 25 to require legal securement within 2 years of commencing the action. I noted that the intention of the condition, being that offsets are managed from commencement of the action, is still required through implementation of the OAMPs under final condition 27.
- e) On 11 December 2024, the proponent provided the department with a revised OAMP for the Croydon offset area which included offsets for the squatter pigeon. The revised OAMP commits to 228 ha of offsets for impacts to the squatter pigeon on site. Desktop studies and 2022 targeted surveys have identified the species on site, and essential habitat features have also been mapped on site. The proponent also provided updated mapping for the Croydon offset area.
- i) The department reviewed the revised Croydon OAMP and concluded that it was adequate to address significant residual impacts to the squatter pigeon arising from the action. The department recommended removing proposed conditions 32 to 37, which now unnecessarily required the provision of an OAMP for the squatter pigeon. I agreed with the department's recommendation.

217) On 17 December 2024, the proponent agreed in writing to the final proposed conditions of approval.

Relevant advice – section 136(2)(fa)

218) On 21 July 2022, the department submitted the draft preliminary documentation to the IESC for advice on the action's potential impacts on water resources.

219) On 3 September 2022, the IESC provided advice on the potential impacts of the action on water resources. The proponent was provided the advice on 5 September 2022.

220) The key potential impacts are identified within the IESC advice. I had regard to the IESC advice in my consideration of the impact on water resources, as discussed in paragraphs 127) to 128).

Other matters for decision making

Person's environmental history – section 136(4)

221) In deciding whether or not to approve the taking of an action by a person, and what conditions to attach to an approval, under section 136(4) of the EPBC Act, I may consider whether the person is a suitable person to be granted an approval, having regard to:

- a) the person's history in relation to environmental matters; and

- b) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and
- c) if the person is a body corporate that is a subsidiary of another body or company (the parent body) – the history in relation to environmental matters of the parent body and its executive officers.

222) I noted that the department's Compliance and Enforcement Branch (CEB) was engaged to undertake a search of known matters relevant to the proponent's environmental history. On 12 September 2024, the CEB advised that no findings of non-compliance with regard to national environmental law had been identified for this entity.

223) The CEB stated that they could not advise on whether there has been a contravention of state laws associated with this entity and noted at the time of the advice, they were unable to check historical compliance databases.

224) The department noted that it is not aware of any other contraventions of the EPBC Act, proceedings under a Commonwealth, state or territory law for the protection of the environment or the conservation and sustainable use of natural resources, or other reasons why the proponent would not be suitable to be granted an approval in consideration of the factors set out in section 136(4) of the EPBC Act.

225) I was satisfied that the proponent would not be an unsuitable person to be granted an approval.

Delegate not to consider other matters – section 136(5)

226) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, I did not consider any matters that I was not required or permitted to consider by Division 1, Part 9 of the EPBC Act.

Threatened species and endangered communities – section 139

227) In accordance with section 139(1) of the EPBC Act, in deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, I must not act inconsistently with:

- a) Australia's obligations under:
 - i) the Biodiversity Convention; or
 - ii) the Apia Convention; or
 - iii) CITES; or
- b) a recovery plan or threat abatement plan.

228) Under section 139(2), I was required to have regard to any approved conservation advice for any listed threatened species or listed threatened ecological communities which are likely to be, or will be, significantly impacted by the action.

Biodiversity Convention

229) I noted that the objectives of the Biodiversity Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its

components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

230) I considered that the approval of the action is not inconsistent with the Biodiversity Convention, which promotes environmental impact assessment (such as this process) to avoid and minimise adverse impacts on biological diversity. I considered that there was an appropriate combination of avoidance and mitigation measures for the management of species potentially impacted by the action.

231) I considered that the Biodiversity Convention has been considered in, and is not inconsistent with, the approval which requires avoidance, mitigation, and management measures for listed threatened species and communities. I also considered that the approval requires information related to the action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Apia Convention

232) I noted that the Convention on the Conservation of Nature in the South Pacific (Apia Convention) encourages the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural, or scientific value.

233) I noted that the Apia Convention was suspended with effect from 13 September 2006. While this Convention has been suspended, I considered Australia's obligations under the Convention. I considered that, in approving the action, subject to conditions, I would not be acting inconsistently with the Convention which has the general aims of conservation of biodiversity.

International trade in endangered species

234) I noted that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

235) I accepted the department's advice that approving the action, subject to conditions, would not be inconsistent with CITES as the action does not involve international trade.

Threat Abatement Plans

236) I noted that the threat abatement plans (TAP) relevant to the action are:

- i) Department of the Environment (2015). *Threat abatement plan for predation by Feral Cats*. Canberra, ACT: Commonwealth of Australia. In effect under the EPBC Act from 23 July 2015.

The goal of the Feral Cat TAP is to support the long-term survival of native species and ecological communities affected by predation by Feral Cats (*Felis catus*). The Feral Cat TAP

notes that direct impacts of Feral Cats include predation, while indirect impacts include resource competition with native predators and the spread of disease.

The Squatter Pigeon (southern) is identified in the Feral Cat TAP as a species that may be adversely affected by Feral Cats. No specific management measures for the Squatter Pigeon (southern) are identified. However, the proponent's threatened flora, fauna and ecological communities management plan and weed and feral animal management plan includes a commitment to minimise predation by invasive animals in the project area. I noted that the department considers that approval of the action is not inconsistent with the Feral Cat TAP.

- ii) Department of the Environment and Energy (2016). *Threat abatement plan for competition and land degradation by rabbits*. Canberra, ACT: Commonwealth of Australia. In effect under the EPBC Act from 07 January 2017.

The goal of the Rabbit TAP is to support the long-term maintenance of native species and ecological communities affected by competition and land degradation caused by Rabbits (*Oryctolagus cuniculus*). The Rabbit TAP notes that direct impacts of Rabbits include competition for native wildlife for resources, preventing plant regeneration, and overgrazing and general damage to plant species.

The Squatter Pigeon (southern) is identified in the Rabbit TAP as a species that may be adversely affected by rabbits, with the main impact identified as habitat degradation. However, it does not identify specific management measures for the Squatter Pigeon (southern). The proponent's threatened flora, fauna and ecological communities management plan and weed and feral animal management plan includes a commitment to feral animal control at the project area. I noted that the department considers that approval of the action is not inconsistent with the Rabbit TAP.

- iii) Department of the Environment, Water, Heritage and the Arts (DEWHA) (2008). *Threat abatement plan for predation by the European red fox*. DEWHA, Canberra. In effect under the EPBC Act from 01 October 2008.

The goal of the European red fox TAP is to support the long-term survival of native species and ecological communities affected by predation by European Red Foxes (*Vulpes vulpes*). The European Red Fox TAP notes that direct impacts of European Red Foxes include predation.

The Squatter Pigeon (southern) is identified in the European Red Fox TAP as a species affected by the European Red Fox. No specific management measures for the Squatter Pigeon (southern) are identified. However, the proponent's threatened flora, fauna and ecological communities management plan and weed and feral animal management plan includes a commitment to minimise predation by invasive animals in the project area. I noted that the department considers that approval of the action is not inconsistent with the European Red Fox TAP.

237) I considered all relevant threat abatement plans and was satisfied that approval of this action, subject to conditions, would not be inconsistent with any of these plans.

Conservation Advice

238) In deciding whether or not to approve the taking of the action, I had regard to the following conservation advices relevant to the action:

- i) Department of Sustainability, Environment, Water, Population and Communities (2013). *Approved Conservation Advice for Dichanthium queenslandicum (King Blue-Grass)*. Canberra, ACT: Department of Sustainability, Environment, Water, Population and Communities. In effect under the EPBC Act from 26 February 2013.
- ii) Threatened Species Scientific Committee (2015). *Conservation Advice Geophaps scripta scripta squatter pigeon (southern)*. Canberra: Department of the Environment. In effect under the EPBC Act from 27 October 2015.
- iii) Department of the Environment (2014). *Approved Conservation Advice for Denisonia maculata (Ornamental Snake)*. Canberra: Department of the Environment. In effect under the EPBC Act from 29 April 2014.

239) I had regard to the approved conservation advices relevant to the action and gave consideration to the likely impacts of the action on listed threatened species and endangered ecological communities. I determined that approval of this action, subject to conditions, would not be inconsistent with the conservation advices.

Bioregional plans – section 176(5)

240) Under section 176(5) of the EPBC Act, I was required to have regard to a bioregional plan in making any decision under the EPBC Act to which the plan is relevant.

241) I noted that the action is not located within or near an area designated by a bioregional plan. I considered that there are no bioregional plans relevant to the action.

Conditions of approval – section 134

242) Under section 134(1) of the EPBC Act, I may attach a condition to the approval of the action if I am satisfied that the condition is necessary or convenient for:

- a) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
- b) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

243) I considered the likely scope and severity of the impacts to matters of national environmental significance, and the proposed avoidance and mitigation measures, and determined that it was likely the action will result in residual significant impact to listed threatened species and ecological communities (sections 18 and 18A) and water resources (sections 24D and 24E).

244) I also considered the conditions imposed or likely to be imposed by the Queensland Government under Chapter 5 of the *Environmental Protection Act 1994*. These conditions include:

- a) air quality limits and monitoring requirements
- b) noise and vibration limits and monitoring requirements
- c) waste and sewage treatment requirements
- d) land and rehabilitation requirements
- e) mine affected water requirements, monitoring, release requirements, limits and trigger levels
- f) development and implementation of a REMP
- g) development and implementation of a water management plan
- h) implementation of a mine water management system
- i) groundwater monitoring requirements, trigger levels and development and implementation of a groundwater monitoring and management program
- j) decommissioning requirements

245) I considered that, instead of duplicating state conditions, it was appropriate to impose a condition that will require the proponent to comply with Queensland Government conditions, where they relate to matters of national environmental significance, and allow the department to retain an ongoing compliance role for the action.

246) I considered that the conditions imposed by the Queensland Government are not sufficient to manage the residual significant impacts to matters of national environmental significance resulting from the action.

247) I decided that it was necessary or convenient to apply approval conditions to this project, as detailed in the decision notice. The key conditions relating to protected matters have been discussed under each controlling provision. The department recommended, and I agreed, that administrative conditions 31 to 66 are necessary for the effective and efficient administration of the approval.

248) I considered that the conditions meet the section 134(1) tests as they are necessary for protecting and mitigating damage to the Ornamental Snake, King Blue-Grass, Squatter Pigeon (southern) and water resources, matters protected by a provision of Part 3 for which the approval has effect.

Additional considerations for conditions

249) In accordance with section 134(4), in deciding whether to attach a condition to an approval, I must consider all of the following:

s134(4)(a) Any relevant conditions that have been imposed, or the minister considers are likely to be imposed, under a law of a state or self-governing territory or another law of the Commonwealth on the taking of the action.

250) As outlined at paragraph 244), I considered the conditions imposed by the Queensland Government in EA-EPML00562013, which were attached to the briefing package. I noted that the conditions do not include requirements for the protection of matters of national

environmental significance and to compensate for the residual significant impact on matters of national environmental significance resulting from the project.

s134(4)(aa) Information provided by the person proposing to take the action or by the designated proponent of the action.

251) As outlined at paragraphs 213) to 217), I took account of documentation provided by the proponent in making my decision on whether or not to approve the action. The proponent was given 10 business days to comment on the proposed decision and conditions of approval, and the proponent's comments were included in the decision brief for my consideration.



s134(4)(b) The desirability of ensuring as far as practicable that the condition is a cost-effective means for the Commonwealth and the person taking the action to achieve the object of the condition.

252) I considered that the conditions proposed are a cost-effective means of achieving their purpose.

Reasons for decision

253) Having taken into account matters required to be considered under the EPBC Act and in light of the findings in paragraphs 40) to 193), I decided to approve the taking of the action, subject to conditions, for the purposes of sections 18, 18A, 24D and 24E of the EPBC Act.

254) The approval will be in effect for a period of 38 years to allow sufficient time for the completion of construction, operation and for the implementation of measures to protect matters of national environmental significance.

name and position	Declan O'Connor-Cox, Branch Head Environment Assessments Queensland Branch
Signature	
date	 April 2025

Annexure A – Relevant Legislation

Section 130 of the EPBC Act relevantly provides:

Basic rule

(1) The Minister must decide whether or not to approve, for the purposes of each controlling provision for a controlled action, the taking of the action.

1A) The Minister must make the decision within the relevant period specified in subsection (1B) that relates to the controlled action, or such longer period as the Minister specifies in writing.

Notice of extension of time

- 4) If the Minister specifies a longer period for the purposes of subsection (1A), he or she must:
- a) give a copy of the specification to the person proposing to take the action; and
 - b) publish the specification in accordance with the regulations.

Section 131 of the EPBC Act relevantly provides:

- 1) Before the Minister (the Environment Minister) decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:
 - a) inform any other Minister whom the Environment Minister believes has administrative responsibilities relating to the action of the decision the Environment Minister proposes to make; and
 - b) invite the other Minister to give the Environment Minister comments on the proposed decision within 10 business days.
- 2) A Minister invited to comment may make comments that:
 - a) relate to economic and social matters relating to the action; and
 - b) may be considered by the Environment Minister consistently with the principles of ecologically sustainable development.

This does not limit the comments such a Minister may give.

Section 131AA of the EPBC Act relevantly provides:

- 1) Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:
 - a) inform the person proposing to take the action, and the designated proponent of the action (if the designated proponent is not the person proposing to take the action), of:
 - i) the decision the Minister proposes to make; and
 - ii) if the Minister proposes to approve the taking of the action – any conditions the Minister proposes to attach to the approval; and

- b) invite each person informed under paragraph (a) to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.
- 2) If the Minister proposes not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must provide to each person informed under paragraph (1)(a), with the invitation given under paragraph (1)(b):
 - a) a copy of whichever of the following documents applies to the action:
 - i) an assessment report;
 - ii) a finalised recommendation report given to the Minister under subsection 93(5);
 - iii) a recommendation report given to the Minister under section 95C, 100 or 105; and
 - b) any information relating to economic and social matters that the Minister has considered; and
 - c) any information relating to the history of a person in relation to environmental matters that the Minister has considered under subsection 136(4); and
 - d) a copy of any document, or part of a document, containing information of a kind referred to in paragraph 136(2)(e) that the Minister has considered.
- 3) The Minister is not required to provide under subsection (2):
 - a) information that is in the public domain; or
 - b) a copy of so much of a document as in the public domain; or
 - c) in the case of information referred to in paragraph (2)(b) or (c) – any conclusions or recommendations relating to that information included in documents or other material prepared by the Secretary for the Minister.
- 6) In deciding whether or not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must take into account any relevant comments given to the Minister in response to an invitation given under paragraph (1)(b).

Section 131AB of the EPBC Act relevantly provides:

1) This section applies if:

- a) the taking of an action, for the purposes of a controlling provision, involves:
 - i) unconventional gas development; or
 - ii) large coal mining development; and
- b) the Minister believes that the taking of the action:
 - i) is likely to have a significant impact on water resources, including any impacts of associated salt production and/or salinity; and
 - ii) may have an adverse impact on a matter protected by a provision of Part 3.

2) Before the Minister decides whether or not to approve, for the purposes of the controlling provision, the taking of the action, the Minister must obtain the advice of the Independent Scientific Committee on Unconventional Gas Development and Large Coal Mining Development.

Section 131A of the EPBC Act relevantly provides:

Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she may publish on the Internet:

- a) the proposed decision and, if the proposed decision is to approve the taking of the action, any conditions that the Minister proposes to attach to the approval; and
- b) an invitation for anyone to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.

Section 133 of the EPBC Act relevantly provides:

Approval

1) After receiving the assessment documentation relating to a controlled action, or the report of a commission that has conducted an inquiry relating to a controlled action, the Minister may approve for the purposes of a controlling provision the taking of the action by a person.

1A) If the referral of the proposal to take the action included alternative proposals relating to any of the matters referred to in subsection 72(3), the Minister may approve, for the purposes of subsection (1), one or more of the alternative proposals in relation to the taking of the action.

Content of approval

2) An approval must:

- a) be in writing; and
- b) specify the action (including any alternative proposals approved under subsection (1A)) that may be taken; and
- c) name the person to whom the approval is granted; and
- d) specify each provision of Part 3 for which the approval has effect; and
- e) specify the period for which the approval has effect; and
- f) set out the conditions attached to the approval.

Persons who may take action covered by approval

2A) An approval granted under this section is an approval of the taking of the action specified in the approval by any of the following persons:

- a) the holder of the approval;
- b) a person who is authorised, permitted, or requested by the holder of the approval, or by another person with the consent or agreement of the holder of the approval, to take the action.

Notice of approval

- 3) The Minister must:
- a) give a copy of the approval to the person named in the approval under paragraph 133(2)(c); and
 - b) provide a copy of the approval to a person who asks for it (either free or for a reasonable charge determined by the Minister).

Notice of refusal of approval

- 7) If the Minister refuses to approve for the purposes of a controlling provision the taking of an action by the person who proposed to take the action, the Minister must give the person notice of the refusal.

Section 134 of the EPBC Act relevantly provides:

Condition to inform persons taking action of conditions attached to approval

1A) An approval of the taking of an action by a person (the first person) is subject to the condition that, if the first person authorises, permits, or requests another person to undertake any part of the action, the first person must take all reasonable steps to ensure:

- a) that the other person is informed of any condition attached to the approval that restricts or regulates the way in which that part of the action may be taken; and
- b) that the other person complies with any such condition.

For the purposes of this Chapter, the condition imposed by this subsection is attached to the approval.

Generally

- 1) The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:
- a) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
 - b) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

Conditions to protect matters from the approved action

- 2) The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:
- a) protecting from the action any matter protected by a provision of Part 3 for which the approval has effect; or
 - b) repairing or mitigating damage that may or will be, or has been, caused by the action to any matter protected by a provision of Part 3 for which the approval has effect.

This subsection does not limit subsection (1).

Examples of kinds of conditions that may be attached

- 3) The conditions that may be attached to an approval include:
- aa) conditions requiring specified activities to be undertaken for:
 - i) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
 - ii) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage may or will be, or has been, caused by the action); and
 - ab) conditions requiring a specified financial contribution to be made to a person for the purpose of supporting activities of a kind mentioned in paragraph (aa); and
 - a) conditions relating to any security to be given by the holder of the approval by bond, guarantee or cash deposit:
 - i) to comply with this Act and the regulations; and
 - ii) not to contravene a condition attached to the approval; and
 - iii) to meet any liability of a person whose taking of the action is approved to the Commonwealth for measures taken by the Commonwealth under section 499 (which lets the Commonwealth repair and mitigate damage caused by a contravention of this Act) in relation to the action; and
 - b) conditions requiring the holder of the approval to insure against any specified liability of the holder to the Commonwealth for measures taken by the Commonwealth under section 499 in relation to the approved action; and
 - c) conditions requiring a person taking the action to comply with conditions specified in an instrument (including any kind of authorisation) made or granted under a law of a State or self-governing Territory or another law of the Commonwealth; and
 - d) conditions requiring an environmental audit of the action to be carried out periodically by a person who can be regarded as being independent from any person whose taking of the action is approved; and
 - e) if an election has been made, or is taken to have been made, under section 132B in respect of the approval – conditions requiring:
 - i) an action management plan to be submitted to the Minister for approval, accompanied by the fee (if any) prescribed by the regulations; and
 - ii) implementation of the plan so approved; and
 - f) conditions requiring specified environmental monitoring or testing to be carried out; and
 - g) conditions requiring compliance with a specified industry standard or code of practice; and
 - h) conditions relating to any alternative proposals in relation to the taking of the action covered by the approval (as permitted by subsection 133(1A)).

This subsection does not limit the kinds of conditions that may be attached to an approval.

Certain conditions require consent of holder of approval

3A) The following kinds of condition cannot be attached to the approval of an action unless the holder of the approval has consented to the attachment of the condition:

- a) a condition referred to in paragraph (3)(aa), if the activities specified in the condition are not reasonably related to the action;
- b) a condition referred to in paragraph (3)(ab).

3B) If the holder of the approval has given consent, for the purposes of subsection (3A), to the attachment of a condition:

- a) the holder cannot withdraw that consent after the condition has been attached to the approval; and
- b) any person to whom the approval is later transferred under section 145B is taken to have consented to the attachment of the condition and cannot withdraw that consent.

Conditions attached under paragraph (3)(c)

(3C) A condition attached to an approval under paragraph (3)(c) may require a person taking the action to comply with conditions specified in an instrument of a kind referred to in that paragraph:

- a) as in force at a particular time; or
 - b) as is in force or existing from time to time;
- even if the instrument does not yet exist at the time the approval takes effect.

Considerations in deciding on condition

- 4) In deciding whether to attach a condition to an approval, the Minister must consider:
- a) any relevant conditions that have been imposed, or the Minister considers are likely to be imposed, under a law of a State or self-governing Territory or another law of the Commonwealth on the taking of the action; and
 - aa) information provided by the person proposing to take the action or by the designated proponent of the action; and
 - b) the desirability of ensuring as far as practicable that the condition is a cost effective means for the Commonwealth and a person taking the action to achieve the object of the condition.

Effect of conditions requiring compliance with conditions specified in another instrument

4A) If:

- a) a condition (the principal condition) attached to an approval under paragraph (3)(c) requires a person taking the action to comply with conditions (the other conditions) specified in an instrument of a kind referred to in that paragraph; and
 - b) the other conditions are in excess of the power conferred by subsection (1);
- the principal condition is taken to require the person to comply with the other conditions only to the extent that they are not in excess of that power.

Validity of decision

- 5) A failure to consider information as required by paragraph (4)(aa) does not invalidate a decision about attaching a condition to the approval.

Section 136 of the EPBC Act relevantly provides:

Mandatory considerations

- 1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision:
 - a) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action;
 - b) economic and social matters.

Factors to be taken into account

- 2) In considering those matters, the Minister must take into account:
 - a) the principles of ecologically sustainable development; and
 - b) the assessment report (if any) relating to the action; and
 - ba) if Division 3A of Part 8 (assessment on referral information) applies to the action – the finalised recommendation report relating to the action given to the Minister under subsection 93(5); and
 - bc) if Division 4 of Part 8 (assessment on preliminary documentation) applies to the action:
 - i) the documents given to the Minister under subsection 95B(1), or the statement given to the Minister under subsection 95B(3), as the case requires, relating to the action; and
 - ii) the recommendation report relating to the action given to the Minister under section 95C; and
 - c) if Division 5 (public environment reports) of Part 8 applies to the action:
 - i) the finalised public environment report relating to the action given to the Minister under section 99; and
 - ii) the recommendation report relating to the action given to the Minister under section 100; and
 - ca) if Division 6 (environmental impact statements) of Part 8 applies to the action:
 - i) the finalised environmental impact statement relating to the action given to the Minister under section 104; and
 - ii) the recommendation report relating to the action given to the Minister under section 105; and
 - d) if an inquiry was conducted under Division 7 of Part 8 in relation to the action – the report of the commissioners; and

- e) any other information the Minister has on the relevant impacts of the action (including information in a report on the impacts of actions taken under a policy, plan, or program under which the action is to be taken that was given to the Minister under an agreement under Part 10 (about strategic assessments)); and
- f) any relevant comments given to the Minister in accordance with an invitation under section 131 or 131A;
 - fa) any relevant advice obtained by the Minister from the Independent Expert Scientific Committee on Unconventional Gas Development and Large Coal Mining Development in accordance with section 131AB; and
- g) if a notice relating to the action was given to the Minister under subsection 132A(3) – the information in the notice.

Person's environmental history

- 4) In deciding whether or not to approve the taking of an action by a person, and what conditions to attach to an approval, the Minister may consider whether the person is a suitable person to be granted an approval, having regard to:
 - a) the person's history in relation to environmental matters; and
 - b) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and
 - c) if the person is a body corporate that is a subsidiary of another body or company (the parent body) – the history in relation to environmental matters of the parent body and its executive officers.

Minister not to consider other matters

- 5) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must not consider any matters that the Minister is not required or permitted by this Division to consider.

Section 139 of the EPBC Act relevantly provides in part:

- 1) In deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:
 - a) Australia's obligations under:
 - i) the Biodiversity Convention; or
 - ii) the Apia Convention; or
 - iii) CITES; or
 - b) a recovery plan or threat abatement plan.
- 2) If:
 - a) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and

- b) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;

the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community.



Annexure B – Attachments to the final decision brief

- A: Recommendation Report
- B: Responses to invitation for comment on proposed decision
 - B1: Proponent conditions email correspondence
 - B2: Proposed decision notice and conditions of approval with tracked changes
 - B3: Offset Area Management Plan for Croydon Property
 - B4: Proponent agreement to conditions of approval
 - B5: Commonwealth Minister for Industry and Science (Geoscience Australia)
 - B6: State Minister for the Environment, Tourism, Science and Innovation
- C: Notice of decision with Conditions of Approval
- D: Letters to relevant parties
 - D1: Proponent
 - D2: Commonwealth Minister for Resources and Northern Australia
 - D3: Commonwealth Minister for Industry and Science (Geoscience Australia)
 - D4: Queensland Department of Environment, Tourism, Science and Innovation
- E: Letters regarding the Safeguard Mechanism
 - E1: Climate Change Authority
 - E2: Commonwealth Minister for Climate Change
 - E3: DCCEEW Climate Change Secretary
- F: Proposed Approval Decision Package
- G: CEB Environmental History Check
- H: Request for Reconsideration of Controlled Action decision: Caval Ridge Mine Horse Pit Extension, Moranbah, Bowen Basin, Queensland (EPBC 2021/9031) Decision Brief