



Statement of reasons for approval of the Lake Vermont Meadowbrook Coal Mine Project (EPBC 2019/8485) 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 Lake Vermont Meadowbrook Coal Mine Project proposed by Bowen Basin Coal Pty Ltd (the proponent), being construction, operation and decommissioning of an extension to the existing Lake Vermont coal mine, including a double-seam underground longwall mine, an open-cut pit and associated mine infrastructure, approximately 30 kilometres (km) northeast of Dysart, in the Bowen Basin, Queensland (EPBC 2019/8485) (the proposed action).

Legislation

- 1) Extracts of the EPBC Act relevant to my decision are set out in [Annexure A](#).

Background

- 2) The proposed action is to extend the current operations of the Lake Vermont Coal Mine by developing a double-seam underground longwall coal mine, an open-cut pit and associated mine infrastructure in the Bowen Basin, approximately 30 km northeast of Dysart, Queensland.
- 3) The proponent is proposing to extract approximately 122 million tonnes of run-of-mine (ROM) coal over the 30-year life of the project. Annually, extraction is estimated at up to 7 million tonnes per annum (Mtpa) of ROM coal, equivalent to approximately 5.5 Mtpa metallurgical product coal, for the export market. Product coal will continue to be railed via the Goonyella and Blackwater Rail System to ports in Gladstone, Bowen and Mackay for sale to export markets.
- 4) Mining activities at the existing Lake Vermont open cut mine will gradually decline from 2023. The proposed action will provide additional product coal to maintain production levels from the underground mining component between 2028 and 2048. Following the completion of the underground mining, the open cut will supplement existing productions until mining completion scheduled for 2061. Progressive rehabilitation will occur throughout the life of the project, with final rehabilitation anticipated in 2078.
- 5) The components of the proposed action are in Table 1.

Table 1: Components of the proposed action

Aspect	Description
Action area	<ul style="list-style-type: none"> Project underground and open-cut mining operations in mining lease area: 8,238 hectares (ha) Direct and indirect disturbance footprint: 1,059.3 ha
Mining leases	<ul style="list-style-type: none"> Existing mining leases: ML 70331, ML 70477 and ML 70528 Proposed action mining development lease: ML 303 and ML 429
Existing infrastructure to be utilised	<ul style="list-style-type: none"> Lake Vermont Mine Coal Handling and Preparation Plant (CHPP) Coal handling facilities Train load-out facilities Product coal stockpiles Co-disposal coal reject facilities
New infrastructure corridor to comprise of:	<ul style="list-style-type: none"> Access and coal haulage road Overhead 66 kilovolt (kV) electricity transmission line Raw water supply pipeline Telecommunications infrastructure
New mine infrastructure area to comprise of:	<ul style="list-style-type: none"> Administrative and operational office facilities Workshop, warehouse and equipment washdown and laydown areas Electrical substation and electrical distribution infrastructure ROM coal stockpile areas and associated infrastructure Mine water dams Mine entry portals and main ventilation shafts and fans

- 6) The area proposed to be directly impacted by the proposed action is 845.3 ha, primarily comprising the open-cut mining area, the infrastructure corridor and the mine infrastructure area. This includes disturbance to support the southern connection of the infrastructure corridor to the existing Lake Vermont Coal Mine infrastructure area.
- 7) The area proposed to be indirectly disturbed through subsidence-induced ponding is 214 ha.

Regional context and land use

- 8) The proposed action is located within the Isaac Regional Council local government area approximately 30 km north-east of Dysart. The proposed action is in the Bowen Basin, in close

proximity to other coal mining operations including Saraji Mine, Saraji East project and Olive Downs Coking Coal project.

- 9) The proposed action area is currently used for beef cattle grazing and resource exploration activities. Cleared areas contain a sparse, shrubby a layer of Brigalow (<1 m) and a ground layer of introduced pasture species (predominantly Buffel Grass). These are classed as cleared agricultural areas by the proponent.
- 10) The proposed action is in the Isaac-Connors sub-catchment, an area encompassing 22,325 km² within the greater Fitzroy Basin Catchment. Several ephemeral watercourses, including Boomerang Creek (fifth order stream), Phillips Creek flow (fourth order stream) and One Mile Creek (third order stream) run in an easterly direction across the action area towards the Isaac River. Riparian woodlands are primarily present along Boomerang Creek. Eucalypt and Brigalow woodlands also occur in the north of the action area.

Procedural history

Referral, controlled action and assessment approach decision

- 11) On 23 July 2019, a referral was received from the proponent which stated its belief that the proposed action is a controlled action for the purpose of the EPBC Act.
- 12) The referral was published on the department's website on 23 July 2019 and public comments were invited until 6 August 2019. One public comment was received on the referral in relation to unacceptable impacts to the Great Barrier Reef World Heritage Area due to temperature rises and climate change.
- 13) On 23 July 2019, the following ministers were invited to comment on the referral:
 - a) the Hon Ken Wyatt MP, Minister for Indigenous Affairs
 - b) Senator the Hon Bridget McKenzie, Minister for Agriculture
 - c) Senator the Hon Matt Canavan, Minister for Resources and Northern Australia
 - d) the Hon Angus Taylor MP, Minister for Energy and Emissions Reduction
- 14) On the same date, Mr Chris Loveday, delegated contact for the Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, the Hon Leeanne Enoch MP, was invited to comment on the referral.
- 15) The following responses were received to the above invitations:
 - a) A representative responded on behalf of Minister McKenzie stating that the Department of Agriculture had no comments on the referral.
 - b) A representative responded on behalf of Minister Canavan stating that the Department of Industry, Innovation and Science supports the sustainable development of coal subject to the project meeting environmental conditions.

- c) No comments were received from the Minister for Indigenous Affairs and the Minister for Energy and Emissions Reduction in response to the invitation.
 - d) Mr Loveday responded confirming that the proposed action would be assessed under the bilateral agreement between the State of Queensland and the Commonwealth of Australia.
- 16) On 22 November 2019, I determined the proposed action to be a controlled action due to likely significant impacts on listed threatened species and communities (sections 18 and 18A), listed migratory species (sections 20 and 20A) and a water resource, in relation to coal seam gas development or large coal mining development (sections 24D and 24E). On the same date, I noted that the proposed action would be assessed, for the purposes of the EPBC Act, under the bilateral agreement with the Queensland Government.

Assessment documentation and consultation

- 17) On 26 July 2022, the draft environmental impact statement (EIS) was received by the department. The EIS was revised three times and the department provided comments on 16 August 2022, 10 January 2023, and 16 February 2023.
- 18) The EIS was published for public comment from 3 April 2023 to 18 May 2023.
- 19) On 4 April 2023, the draft EIS was submitted to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC). On 23 May 2023, the IESC provided advice on the potential impacts of the proposed action on water resources. On 16 October 2023, the proponent provided a revised EIS to the Queensland Department of Environment, Science and Innovation (Queensland Government) following the IESC advice.
- 20) On 27 March 2024, the department was provided with the final matters of national environmental significance chapter of the EIS by the Queensland Government for comment. On 5 April 2024 and 11 April 2024, the department provided comments on the matters of national environmental significance chapter.
- 21) On 29 April 2024, the department received the statutory assessment report from the Queensland Government.

Reconsideration request

- 22) 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).
- 23) In the request, EJA stated that its request contained substantial new information about the impacts the proposed action will have or is likely to have on matters of national environmental significance (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 proposed 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 proposed action. 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.

- 24) EJA estimated the greenhouse gas emissions associated with the extraction and combustion of the coal from the proposed action. It contended that, if the proposed action goes ahead, there is a real (as opposed to remote) chance that these greenhouse gas emissions will result in physical effects of climate change (fire, ocean heatwaves and acidification, drought, rainfall extremes and flooding) and the proposed action will have, or is likely to have, a significant impact on a number of matters of national environmental significance.
- 25) On 3 December 2024, I confirmed the original referral decision for this proposed action. My reasons are set out in a separate statement of reasons.

Proposed approval

- 26) On 3 December 2024, I proposed to approve the proposed action subject to proposed conditions of approval. That same day, I wrote to the proponent, the Minister for Agriculture, Fisheries and Forestry, the Minister for Climate Change and Energy, and the Minister for Resources and Northern Australia, seeking comments on the proposed decision and proposed conditions.

Response to proposed decision

The proponent

- 27) On 16 December 2024, the proponent provided written comments on, and tracked changes to, the proposed conditions. These comments and requested changes are summarised below.
 - a) Proposed condition 2c required that the approval holder must not clear more than 207.1 ha of Ornamental Snake habitat. The proponent requested this number be changed to 211.4 ha to be consistent with the recommended conditions in the Environmental Authority. The department noted, and I agreed, that the legal considerations report also references 211.4 ha and considered the 207.1 ha to be an error in the proposed conditions. As such, I changed this value to 211.4 ha.
 - b) Proposed condition 3a required that the approval holder enforce a 40 kilometre/hour speed limit within the Action area. The proponent noted that there is a haulage road between the mine site and the coal handling processing plant and that the 40 km/hr speed limit across the area would significantly increase haulage time. The proponent noted two areas where the haulage road intersects with species habitat. While considering the speed limit as necessary to reduce the risk of vehicle strike to protected matters in the absence of mitigation measures, the department recommended revising the condition to allow the installation of fauna friendly fencing and safe crossings for fauna in lieu of the 40 km/hr speed limit. I agreed to impose the revised condition, as it maintained the intent of the condition while addressing the proponent's concerns.
 - c) The proponent requested that the stygofauna information which had been requested in condition 16 under the water management plan, be moved to the Groundwater Dependent Ecosystem Monitoring and Management Plan (GDEMMP), stating this information has

already been drafted into their GDEMMP. The department considered, and I agreed, that this change does not alter the intent of the condition and so moved the information request.

- d) The proponent requested that for all conditions relating to the implementation of management plans, 'from the date it is approved by the Minister' be changed to 'prior to commencement of the Action', noting that there might be a number of years before the project will commence and they would prefer to undertake relevant actions closer to the date of commencement. The department considered, and I agreed, this is appropriate. I amended the relevant conditions.
- 28) In addition to the above concerns, minor wording amendments were also made to improve the clarity of conditions. The department considered, and I agreed, that these amendments do not alter the intent of the conditions, and I accepted the amendments.
- 29) The proponent agreed to these changes on 17 December 2024.

Ministerial responses

- 30) On 17 December 2024, the Queensland Government responded to the invitation to comment on the proposed approval decision and had no comments.
- 31) On 16 December 2024, the Department of Agriculture, Fisheries and Forestry (DAFF), provided a comment in response to the invitation to the Minister for Agriculture, Fisheries and Forestry. The comment stated that the proponent should continue to actively engage with the surrounding residential, agricultural and broader community and agricultural industry stakeholders to understand their priorities and identify management activities to support long-term social wellbeing, economic prosperity and positive environment outcomes.
- 32) On 11 December 2024, Geoscience Australia provided a comment in response to the invitation to the Minister for Resources and Northern Australia. The comment stated that Geoscience Australia is supportive of the implementation of the Water Management Plan, the Subsidence Management Plan and the Groundwater Dependent Ecosystem Monitoring and Management Plan.
- 33) No other comments were received in response to the invitations to comment.

Approval decision

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

Evidence or other material on which my findings were based

- 35) My decision under subsection 130(1) and section 133 of the EPBC Act to approve the taking of the proposed action was based on consideration of the 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**.
- 36) I agreed with the department that the information before me was sufficient to decide whether or not to approve the proposed action.

Findings on material questions of fact

- 37) In deciding whether to approve the proposed 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, 20 and 20A and 24D and 24E of the EPBC Act), as required by section 136(1)(a) of the EPBC Act.
- 38) I noted the proposed action includes underground single and dual-seam longwall mining, open-cut mining activities and the construction of supporting infrastructure (components listed in Table 1).
- 39) I noted the primary impacts to protected matters will be the clearing of habitat and inundation of habitat from subsidence-induced residual ponding.
- 40) I noted the proposed action was assessed by the Queensland Government in accordance with the *Bilateral Agreement between the Commonwealth and the State of Queensland relating to Environmental Assessment* (the bilateral agreement). The assessment process was under Part 1 of Chapter 3 of the *Environmental Protection Act 1994* (Qld).
- 41) I noted the state assessment report made the following conclusions in relation to the matters protected by the controlling provisions.

Controlling Provision	Relevant section of state report	Queensland Government's conclusion on acceptability of impacts
Listed threatened species and communities (sections 18 and 18A)	<p>Section 6.18.4.1 of the assessment report provides information on the potential impacts on the following listed threatened species and ecological communities:</p> <ul style="list-style-type: none"> • Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) TEC – Endangered • Poplar Box Grassy Woodland on Alluvial Plains TEC – Endangered • Koala (<i>Phascolarctos cinereus</i>) (combined populations of Queensland, NSW and the ACT) – Vulnerable • Ornamental Snake (<i>Denisonia maculata</i>) – Vulnerable • Squatter Pigeon (southern) (<i>Geophaps scripta scripta</i>) – Vulnerable • Greater Glider (southern and central) (<i>Petauroides volans</i>) – Vulnerable • Australian Painted Snipe (<i>Rostratula australis</i>) – Endangered <p>Section 6.18.4.1 and Table 5 of the assessment report provides the Queensland Government's conclusions on impacts on listed threatened species or ecological communities.</p> <p>Section 6.18.5 of the assessment report provides a high-level summary of the proponent's proposed avoidance and mitigation measures to address impacts on listed threatened species and communities.</p> <p>Section 7 and Appendix C of the assessment report provides the Queensland Government's recommended conditions for an approval decision under the EPBC Act.</p>	Acceptable with recommended conditions
Listed migratory species (sections 20 and 20A)	<p>Section 6.18.4.2 of the assessment report provides information on:</p> <ul style="list-style-type: none"> • The potential impacts of the proposed action on listed migratory species; • The state's conclusions on the impacts on listed migratory species; and 	Acceptable

Unconventional gas or large coal mining development with impact on water resources (sections 24D and 24E)

Section 6.18.4.3 of the assessment report provides information on:

Acceptable with recommended conditions

- Groundwater dependent ecosystems
- Groundwater drawdown
- Subsidence impacts
- Surface flow impacts
- Water quality impacts

Section 6.18.4.3 of the state assessment report provides the Queensland Government's conclusions and recommendations on water resources.

42) I agreed with the above conclusions of the state assessment report in relation to the impacts of the proposed action.

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

43) I agreed with the Queensland Government's conclusion that the likely impacts of the proposed action on listed threatened species and communities will not be unacceptable subject to recommended conditions. The Queensland Government had regard to all relevant approved conservation advices, and demonstrated that by granting approval, the minister would not act inconsistently with Australia's obligations, under:

- a) the Convention on Biological Diversity;
- b) the Convention on Conservation of Nature in the South Pacific (Apia Convention);
- c) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- d) a recovery plan or threat abatement plan for threatened species or communities.

44) My consideration of these is detailed later in this statement.

Habitat assessment and species presence

45) I considered that the Queensland Government adequately assessed:

- a) the likelihood of occurrence of listed threatened species and communities by reviewing the Protected Matters Search Tool results;
- b) the survey effort from the proponent against relevant EPBC Act survey guidelines for each species; and
- c) habitat definition and mapping, with regard to relevant conservation advices and recovery plans.

46) The Queensland Government had regard to the relevant guidelines and statutory documents and the department agreed with the Queensland Government's assessment on habitat and species presence. The Queensland Government concluded, and I agreed, that the proponent's

assessment of species habitat was sufficient to determine significant impacts on the listed species and ecological communities.

Avoidance and mitigation

- 47) I noted that the Queensland Government assessed the avoidance and mitigation measures proposed for each species against all relevant conservation advices, recovery plans and threat abatement plans. The proponent has committed to the preparation of a subsidence management plan and a groundwater dependent ecosystem monitoring and management plan. These are required under the Queensland Government conditions.
- 48) The Queensland Government recommended that the proponent produce a matters of national environmental significance management plan that includes specific species / ecological community mitigation and management measures. I agreed with the assessment of avoidance, mitigation and management measures and the approach proposed by the Queensland Government and decided to impose conditions requiring the proponent to produce a subsidence management plan, a groundwater dependent ecosystem monitoring and management plan (GDEMMP) as well as a matters of national environmental significance management plan (MNESMP) for approval by the minister prior to commencement of the action.

Residual impact

- 49) The proponent provided an estimation of the maximum habitat disturbance limits for listed threatened species and communities, produced by desktop assessment and 46 days of field surveys. Based on the information provided in the EIS and the habitat mapping provided by the proponent, the Queensland Government concluded, and I agreed, that as a result of the proposed action the following residual significant impacts would occur:
- a) 7.9 ha of Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC
 - b) 44.4 ha of Poplar Box Grassy Woodland on Alluvial Plains TEC
 - c) 211.4 ha of Ornamental Snake habitat
 - d) 15.8 ha of Squatter Pigeon habitat
 - e) 109.2 ha of Koala habitat
 - f) 100.6 ha of Greater Glider habitat
- 50) The Queensland Government concluded, and I agreed, that there will be no residual significant impact, and therefore no offset required, for:
- a) 40.7 ha of Australian Painted Snipe foraging habitat
- 51) To compensate for significant residual impacts from stages 1 to 3 of the proposed action, the proponent submitted a matters of national environmental significance biodiversity offsets strategy (BOS) as well as a draft offset area management plan (OAMP). The Queensland Government reported that the BOS details the proposed offset site, offset outcomes, and quantifies significant impacts for matters of national environmental significance on the impact area, and the proposed conservation gains for staged offsets in the offset area. The Queensland

Government reported that the draft OAMP demonstrates how offsets would compensate for significant impacts on relevant matters of national environmental significance during stages 1 to 3 of the action. It also provided offset completion criteria, management actions, interim milestones, and monitoring commitments. The Queensland Government considered that the proposed management actions appropriately address key threats to listed threatened species and ecological communities as per conservation advices, recovery plans, and threat abatement plans.

- 52) The submitted draft OAMP did not provide offsets for the Squatter Pigeon. The Queensland Government recommended that the proponent submit a revised OAMP for stages 1 to 3 consistent with updated impact figures for the Squatter Pigeon, prior to the commencing of the action.
- 53) I agreed with the Queensland Government's recommendation that a revised OAMP consistent with updated impacts figures for the Squatter Pigeon is required prior to commencement of the action.
- 54) On 29 August 2024, the department requested that the proponent provide the revised OAMP for approval during the assessment stage. On 2 October 2024, the proponent provided the department with the revised OAMP and associated documentation.
- 55) The only modification in the revised OAMP is the inclusion of an offset for Squatter Pigeon. The department therefore considered, and I agreed, that the Queensland Government conclusions summarised in paragraph 42 also apply to the revised OAMP. The department determined, and I agreed, that the proposed environmental offsets adequately compensate for the residual significant impact on listed threatened species and communities consistent with the *EPBC Act Environmental Offsets Policy* (2012).
- 56) In making their conclusions, the Queensland Government had regard to:
 - a) the SPRAT Database;
 - b) the proposed avoidance, mitigation and management measures;
 - c) the department's *Significant Impact Guidelines 1.1* (2012); and
 - d) relevant conservation advices, recovery plans and threat abatement plans for each species.
- 57) I agreed with the Queensland Government's conclusions on residual significant impacts on the species and threatened ecological communities listed above.

Conditions of approval

- 58) The Queensland Government recommended the following conditions to an approval to protect, repair or mitigate damage to listed threatened species and ecological communities:
 - a) set maximum clearance limits for each listed threatened species and communities
 - b) require an updated offset management strategy and an offset area management plan (OAMP) prior to commencing each offset stage of the action

- c) require the submission of a matters of national environmental significance management plan
- 59) With consideration of Queensland Government's recommended conditions, the department recommended, and I agreed, to impose the following conditions of approval for listed threatened species and ecological communities:
- a) To ensure the approval holder does not impact on more than the designated maximum disturbance limit, I agreed with the inclusion of conditions that limit clearing of matters of national environmental significance habitat within the action area (conditions 1 and 2).
 - b) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of conditions that ensure a fauna-spotter catcher is present during all clearance activities and that pre-clearance surveys are conducted for the Koala, Greater Glider and Ornamental Snake (conditions 3 to 6).
 - c) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of a condition that requires a matters of national environmental significance management plan to be prepared for the approval of the minister, and implementation commenced prior to commencement of the action (recommended 7 to 8).
 - d) Additionally, the department recommended, and I agreed, to impose the following proposed conditions regarding the matters of national environmental significance Management Plan:
 - i) It must be prepared by a suitably qualified ecologist and be consistent with the Environmental Management Plan Guidelines (condition 9).
 - ii) It must be consistent with the National Light Pollution Guidelines for Wildlife (condition 9).
 - e) I did not implement the Queensland Government's recommendation requiring an updated OMS or an OAMP, as these had already been provided to the department and considered. The department therefore recommended, and I agreed, to include a condition requiring the proponent to implement the revised OAMP to compensate for residual significant impacts on listed threatened species and ecological communities from stages 1 to 3 of the proposed action (conditions 20 to 25).
 - f) The department also recommended, and I agreed, to impose a condition requiring an OAMP for residual significant impacts on listed threatened species and ecological communities from stage 4 of the proposed action (conditions 26 to 33).

Conclusion

- 60) I was satisfied that, with the proposed approval conditions, the proposed action would not have an unacceptable impact on listed threatened species and communities.

Listed migratory species (sections 20 and 20A)

- 61) I agreed with the Queensland Government's conclusion that the proposed action is unlikely to significantly impact migratory species. The Queensland Government had regard to all relevant

approved conservation advices, and demonstrated that by granting approval, the minister will not act inconsistently with Australia's obligations under:

- a) The Bonn Convention;
- b) Japan-Australia Migratory Bird Agreement (JAMBA)
- c) China-Australia Migratory Bird Agreement (CAMBA); and
- d) Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

62) My consideration of these is detailed later in this statement.

Habitat assessment and species presence

63) I considered that the Queensland Government adequately assessed:

- a) the likelihood of occurrence of migratory species by reviewing the Protected Matters Search Tool results; and
- b) the survey effort and habitat mapping from the proponent against relevant EPBC Act survey guidelines for each species, conservation advices and recovery plans.

64) I noted that the Queensland Government had regard to the relevant guidelines and statutory documents and agreed with the Queensland Government's assessment on habitat and species presence.

65) I noted that, at the time of the referral decision, targeted surveys for migratory species had not been undertaken and there was no estimate of the likely habitat that may be impacted by the proposed action. The department considered, and I agreed, that the EIS addressed those information gaps and I agreed with the Queensland Government's conclusion that the proponent's assessment of species habitat was sufficient to determine it is unlikely there would be a significant impact on listed migratory species.

Avoidance and mitigation

66) I noted that the Queensland Government assessed the avoidance and mitigation measures proposed for each migratory species against all relevant conservation advices, recovery plans and threat abatement plans. The proponent has located project infrastructure to minimise direct disturbance to wetland habitats. Subsidence drainage management has been designed to minimise hydrological changes to gilgai and wetland habitats.

Residual impact

67) The EIS recognised that approximately 40.7 ha of potential foraging habitat for occasional migratory species will be cleared for the proposed action. *According to the Significant Impact Guidelines 1.1* an action is likely to have a significant impact on a migratory species if there is a real chance or possibility that it will substantially modify, destroy or isolate an area of important

habitat for a migratory species. An area of important habitat for a migratory species is defined as:

- a) Habitat utilised by a migratory species occasionally or periodically within a region that supports an ecologically significant proportion of the population of the species, and/or
 - b) Habitat that is of critical important to the species at particular life-cycle stages, and/or
 - c) Habitat utilised by a migratory species which is at the limit of the species range, and/or
 - d) Habitat within an area where the species is declining.
- 68) The EIS concluded that the habitat within the action area is unlikely to provide important habitat for any migratory species.
- 69) The EIS also noted that a further 213.9 ha is modelled to undergo increased ponding due to surface subsidence. The EIS concluded that these areas are likely to result in increased suitability for migratory species that use wetlands habitat.
- 70) Based on the information provided in the EIS and the habitat mapping provided by the proponent, the Queensland Government concluded that the proposed action would have no residual significant impacts on migratory species.
- 71) I agreed with the Queensland Government's conclusions on significant impacts on migratory species.

Conclusion

- 72) I was satisfied that the proposed action is unlikely to significantly impact migratory species.

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

- 73) Section 6.18.4.3 of the state assessment report provided information on the potential impacts of the proposed action on water resources.
- 74) The following impacts were considered within the assessment of water resources:
- a) Groundwater dependent ecosystems
 - b) Groundwater drawdown
 - c) Subsidence impacts
 - d) Surface flow impacts
 - e) Water quality impacts
- 75) The EIS presented an assessment of the potential impacts on water resources and related ecosystem functions and environmental assets. I noted that the EIS concluded that the proposed action is unlikely to have a significant impact on hydrological characteristics or water quality characteristics.

- 76) I noted that the Queensland Government was satisfied that the proponent has appropriately assessed the risks to water resources from changes to surface flows and water quality. The Queensland Government also noted and supported the proponent's proposed mitigation and monitoring measures to assess and validate predicted subsidence values, and groundwater drawdown impacts on water resources.

Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development

- 77) 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 proposed action.

- 78) On 24 May 2023, the IESC provided advice on the potential impacts of the proposed action on water resources. The IESC considered the key potential impacts of the proposed action were:

- a) Predicted vertical subsidence
- b) Possible connected fracturing (surface to seam)
- c) Drawdown within the alluvial system
- d) Erosion and sedimentation run-off impacts
- e) Contribution to cumulative impacts on groundwater, surface water regimes and ecosystems and biota

- 79) The IESC also identified key areas in which additional work was required to address the key potential impacts, as detailed in their advice. These are summarised below.

- a) Further analysis to understand the areas where possible connected fracturing may occur and its potential impacts on surface water-groundwater connectivity
- b) Further information to better understand potential impacts of surface water cracking on surface water systems and alluvial groundwater
- c) Further information to demonstrate how the final landform and stream channels will stabilise
- d) Additional hydrogeological and ecological studies to characterise potential GDEs, including several wetlands
- e) Improvements to the groundwater modelling at the local scale to increase confidence in the predicted impacts and their nature and magnitude
- f) Monitoring of contaminants in the proposed sediment dams to determine if there is a risk of increasing contaminants in the surface water system from overflow during large flood events
- g) One or more impact pathway diagrams derived from evidence-based ecohydrological conceptualisation should be developed to illustrate the collective and interacting impacts that may arise from the proposed action
- h) Further information about timeframes and the potential cumulative impacts of allowing the natural sediment load of creeks to infill subsidence troughs

- 80) On 16 October 2023, the proponent submitted a revised EIS with amendments to address the IESC advice. I noted that Attachment 3 to the EIS outlined the IESC information requirements and where in the EIS they are addressed.

Surface flow impacts

- 81) I noted that the EIS states the loss of catchment area is predicted to result in changed timing and magnitude of flows. This will be managed by the construction of flood protection levees around the open-cut pit and mine infrastructure area. The EIS concluded that flood velocities resulting from the proposed action would not have a significant impact on the hydrological characteristics of water resources due to the relatively minor, localised, and limited duration of impacts.
- 82) The Queensland Government concluded that the proposed mitigation measures will adequately ameliorate adverse impacts associated with surface flow changes. I agreed with the Queensland Government's conclusion.

Stygofauna

- 83) The EIS concluded that depauperate, sporadic and highly localised populations of stygofauna of low ecological value are present in the tertiary sediments and alluvial areas but would not be significantly impacted.
- 84) The EIS stated that there is low risk associated with these conclusions but that given the inherent uncertainty with stygofauna the proponent will continue ongoing risk monitoring of physicochemical parameters such as water level and water chemistry.
- 85) The department considered, and I agreed, there is sufficient risk to stygofauna to require further monitoring to ensure there are no impacts as a result of the proposed action. I agreed with the department's recommended condition for the proponent to produce a Water Management Plan which includes a monitoring program and trigger thresholds for stygofauna.

Groundwater drawdown & groundwater dependent ecosystems (GDEs)

- 86) The EIS stated that the risk of groundwater drawdown impacting on groundwater reliant species and wetlands would be low as the groundwater in the Tertiary and Permian coal seam aquifers does not support the function of any GDEs in the action area. Additionally, any impacts on ecological function are likely to be insignificant as surface flows are the dominant driver of riparian function and that groundwater dependent species such as river red gum are resilient to period of seasonal wetting and drying.
- 87) The Queensland Government considered that any consequential impacts on water resources would be subject to the proposed monitoring measures to identify ecohydrological changes. The Queensland Government recommended that disturbance thresholds for GDEs are developed as part of the GDE two-year baseline assessment.
- 88) I acknowledged that the Queensland Government concluded the proponent has adequately assessed the risks to water resources from changes to surface flows and water quality. I also acknowledged that the Queensland Government agrees with the determination that there will

be no significant impact or risk to GDEs from groundwater-drawdown. I considered that this conclusion is subject to the implementation of the mitigation and management measures described below. I agreed with the department's recommendation to condition the proponent to produce a GDEMMP which includes the proposed mitigation and management measures.

Subsidence

- 89) I noted that modelled subsidence impacts indicated the proposed action will result in the formation of six main troughs in Boomerang Creek, and eight main troughs in One Mile Creek, reducing the channel velocity and sediment transport.
- 90) I noted that longwall mining will result in a subsidised landforms with surface water flowing into these areas and leading to ponding. Approximately 214 ha of land is predicted to be impacted by subsidence-induced ponding. The proposed mitigation measures include two mitigation drains intended to drain catchment runoff through the subsidence zone and two mitigation bunds intended to prevent ingress of flood water from Phillips Creek towards One Mile Creek.
- 91) The EIS stated that the areas of land subject to residual ponding may provide additional resources for threatened species such as the Squatter Pigeon and ornamental snake. The Queensland Government concluded, and I agreed, that where impacts from subsidence-induced residual ponding have been assessed to be significant for listed threatened species and ecological communities, offsets have been proposed that adequately compensate for the loss of this habitat.

Water quality impacts

- 92) The EIS stated that the final rehabilitated pit landform has been designed to prevent groundwater inflows and to limit the catchment area flowing into the depression. I noted that the modelled maximum salinity of water in the rehabilitated pit is stated to be below the low risk drinking water guidelines for beef cattle.
- 93) I noted that a water management plan is proposed to provide for effective management of actual and potential environmental impacts resulting from the release of contaminants, saline drainage and acid rock drainage.
- 94) The Queensland Government concluded that monitoring within Boomerang Creek and One Mile Creek in accordance with a Receiving Environment Monitoring Program would identify and describe adverse impacts to surface water quality.
- 95) I noted that an erosion and sediment control plan will be implemented for all stages of the mining activities on the site to minimise erosion and the release of sediment to receiving waters and contamination of stormwater.

Management and Mitigation Measures

- 96) I noted that subsidence impacts are proposed to be managed by bank protection measures such as rock armouring, revegetation, ponding drainage, floodplain bunds (for redirection of altered flows), remediation of surface cracking and the exclusion of stock. These measures will be enforced by the conditioned subsidence management plan.

- 97) The proponent has committed to two years of baseline GDE monitoring in order to develop appropriate triggers and assessment parameters to identify any impacts resulting from the proposed action and implement corrective actions. The EIS stated that groundwater monitoring bores will monitor the following parameters:
- a) Standing water level
 - b) Laboratory and field pH and electrical conductivity
 - c) Major ions (sodium, calcium, magnesium, potassium, chloride, sulphate, alkalinity)
 - d) Total and dissolved metals/metalloids
 - e) Total petroleum hydrocarbons.
- 98) The proponent will also implement protocols for adaptive management actions once thresholds have been triggered. These measures will be enforced by the conditioned GDEMMP.
- 99) The proponent has committed to the following management measures relating to water quality:
- a) Minimise capture of clean surface water from external catchments via catchment diversions
 - b) Maximise recycle and reuse of first mine affected water, then sediment runoff, for site demands including processing and dust suppression.
 - c) Preferential supply of water demands from site water storages over external raw water supply and surface water harvesting
 - d) Minimise and manage controlled releases of water to receiving waterways.
- 100) These management measures will be enforced by the conditioned Water Management Plan.
- 101) The Queensland Government considered, and I agreed, that the proponent proposed suitable mitigation and monitoring measures to assess and validate predicted subsidence values, and groundwater drawdown impacts on water resources.
- 102) I considered the implementation of the mitigation and management measures is necessary to ensure there are no significant impacts to water resources.

Conditions of approval

- 103) I agreed with the department's recommendation to impose the following conditions of approval, having regard to the Queensland Government's recommendations for conditions for an approval decision.
- a) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of a condition that requires a Groundwater Dependent Ecosystem Monitoring and Management Plan to be submitted to and approved by the department prior to commencement of the action (conditions 10 and 11).
 - b) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of a condition that requires a Subsidence Management Plan to be

submitted to and approved by the department prior to commencement of the action (conditions 12 and 13).

- c) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of a condition that requires a Water Management Plan to be submitted to and approved by the department prior to commencement of the action (conditions 14 to 17).
- d) To avoid and mitigate harm to protected matters as a result of the proposed action, I agreed with the inclusion of a condition that requires a Receiving Environment Monitoring Program to be submitted to and approved by the department prior to commencement of the action (conditions 18 to 19).

Conclusion

104) I was satisfied that, with the implementation of the measures proposed by the proponent to avoid, mitigate and manage impacts, and compliance with the conditions of approval, the proposed 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).

Social and economic matters

105) Section 136(1)(b) of the EPBC Act required me, in deciding whether or not to approve the proposed action, and what conditions to attach to the approval, to consider economic and social matters.

106) I noted that information on economic and social matters is provided in Section 21.16, Chapter 21 of the EIS.

107) The EIS lists the following economic and social benefits arising from the proposed action.

- a) The proposed action will provide employment opportunities to the local government catchment area, providing 1,044 jobs during construction; 289 jobs during capital replacement activities; and 414 jobs during peak mining activities;
- b) The gross regional product within the local government catchment area is estimated to be \$146.3 million during construction, \$33.6 million during capital replacement activities and \$315.7 million during peak mining activities;
- c) The proposed action has committed to supporting local and regional businesses. The local government catchment area businesses and supply chains are estimated to receive \$8.4 million in business revenue per annum.

108) I noted that the proponent provided a Social Impact Management Plan which was informed by the Social Impact Assessment undertaken. The proponent undertook numerous community and stakeholder engagements via semi-structured interviews and meetings. The proponent also committed to ongoing stakeholder consultation during the construction, operation and decommissioning phases of the proposed action.

Factors to be taken into account

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

109) In deciding whether or not to approve the taking of the proposed action, section 136(2)(a) of the EPBC Act required me 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:

- a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- b) if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as reason for postponing measures to prevent environmental degradation;
- c) 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;
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- e) improved valuation, pricing and incentive mechanisms should be promoted.

110) The precautionary principle, set out in section 391(2) of the EPBC Act, 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.

111) I took into account the principles of ecologically sustainable development and precautionary principle. In particular:

- a) The EIS and supporting appendices and attachments, provided information on the long-term and short-term economic, environmental, social and equitable considerations that are relevant to the proposed action.
- b) Any lack of certainty related to the potential impacts of the proposed action will be addressed by numerous environmental management plans required by the Queensland Government and the conditions I have imposed. This includes but is not limited to a water management plan, an erosion and sediment control plan, a rehabilitation plan, a subsidence management plan, receiving environment monitoring program, a matters of national environmental significance management plan and an offset area management plan.
- c) The conditions imposed by both the state and myself will ensure protection of EPBC listed threatened species and communities. They allow for the proposed action to be delivered and operated in a sustainable way to protect the environment for future generations and preserve water resources and EPBC listed species and communities in perpetuity.
- d) I considered the importance of conserving biological diversity and ecological integrity in relation to all of the controlling provisions for this proposed action.

- e) I considered the department's advice which included a range of information on the economic costs, benefits and impacts of the proposed action.
- 112) I took account of 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 proposed action, and considering whether there is a lack of scientific certainty.
- 113) The department considered, and I agreed, that there is a threat of serious or irreversible damage as a result of the proposed 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)
- 114) 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.
- 115) I considered that my decision was consistent with the application of the precautionary principle. Where the proposed action has the potential to contribute to threats of serious or irreversible damage to matters of national environmental significance, I applied conditions to avoid, mitigate or offset (compensate for) those impacts.
- 116) With regard to other protected matters that are not controlling provisions, I considered that sufficient evidence was available to conclude that there is no way in which the proposed action would conceivably contribute to threats of serious or irreversible damage to these matters.

Assessment report – section 136 (2)(b)

- 117) I took into account the assessments and conclusions of the state assessment report in making my decision.

Relevant comments – section 136(2)(f)

- 118) Public comments were invited on the referral and the draft EIS. One public submission was received on the referral which raised issues regarding greenhouse gas emissions. 339 public comments were received on the draft EIS. I noted 91% supported the proposed action. A summary of the EIS public submissions was prepared by the proponent. The department considered, and I agreed, that the concerns raised in public submissions were adequately addressed by the proponent and were considered in reviewing the EIS and the state assessment report.
- 119) The department considered, and I agreed, adequate public consultation for the proposed action has occurred. Therefore, I agreed with the department's recommendation not to invite public comment under section 131A of the EPBC Act on the proposed decision and recommended conditions of approval as this was unlikely to elicit views or information that had not already been considered in relation to the proposed action.

120) I have identified and summarised the relevant comments received from the proponent and relevant Ministers at paragraphs 27) to 33), and had regard to those when making my decision.

Relevant advice – section 136(2)(fa)

121) On 4 April 2023, the Queensland Government submitted the draft EIS to the IESC for advice on the proposed action's potential impacts on water resources.

122) On 23 May 2023, the IESC provided advice on the potential impacts of the proposed action on water resources. The proponent was provided the IESC advice on 1 June 2023.

123) Key potential impacts identified within the IESC advice are discussed in the water section at paragraphs 73) to 104). I had regard to the IESC advice when making my decision.

Other matters for decision making

Person's environmental history – section 136(4)

124) 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.

125) I noted the proponent considers they have adhered to their regulatory responsibilities in association with their exploration and mining operations. The proponent states that they have not been the subject of any environmental legal proceedings that have resulted in fines or prosecution.

126) On 29 August 2024, the Compliance and Enforcement Branch of the Environmental Permitting and Compliance Division conducted an Environmental History Check (EHC) on Bowen Basin Coal Pty Ltd. They advised that, based on the available information, no adverse history was identified relating to contravention of national environmental law for Bowen Basin Coal Pty Ltd. The Branch could not advise on whether there has been a contravention of state laws associated with the proponent. The Branch noted that historical compliance databases which held records up until September 2021 were not able to be checked.

127) I was therefore not aware of any contraventions of the EPBC Act 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.

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

128) 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

129) In accordance with section 139(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, 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.

130) Under section 139(2) If:

- a) I am 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;

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

Biodiversity Convention

131) 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.

132) I noted that the recommendations of the state assessment report are not considered by the Queensland Government to be inconsistent with the Biodiversity Convention, which promotes environmental impact assessment (such as this process) to avoid and minimise adverse impacts on biological diversity. I noted that the department also gave particular consideration to an appropriate combination of avoidance and mitigation measures for the management of species potentially impacted by the proposed action.

133) I therefore considered that my approval of the proposed action, with conditions requiring avoidance, mitigation and management measures for listed threatened species and communities, would not be inconsistent with the Biodiversity Convention. My approval requires

information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Apia Convention

134) I noted 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.

135) I noted the Apia Convention was suspended with effect from 13 September 2006. While this Convention has been suspended, I took Australia's obligations under the Convention into consideration. I considered that my approval would not be inconsistent with the Convention which has the general aims of conservation of biodiversity.

International trade in endangered species

136) 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.

137) I accepted the department's advice that approving the proposed action would not be inconsistent with CITES as the proposed action does not involve international trade.

Recovery Plans and Threat Abatement Plans

138) The Recovery Plan relevant to the proposed action and assessment is:

- a) Department of Agriculture, Water and the Environment (2022). National Recovery Plan for the Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory). Department of Agriculture, Water and the Environment, Canberra. In effect under the EPBC Act from 08-Apr-2022.

139) I noted that the recovery plan outlines the conservation framework for the species recovery, with the intent to stop the trend of decline in population size of the listed Koala. The department's most relevant strategies and actions in the recovery plan include building and sharing knowledge, increasing the area of protected habitat and strategically restoring Koala habitat.

140) I had regard to the recovery plan in forming my conclusions and deciding whether to approve the proposed action. I agreed with the Queensland Government's view that approval of this action would not be inconsistent with the recovery plan.

141) The Threat Abatement Plans relevant to this action are:

- a) Department of Sustainability, Environment, Water, Population and Communities (2011). *Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by*

cane toads. Canberra, ACT: Commonwealth of Australia. In effect under the EPBC Act from 06-Jul-2011.

- b) 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 07-Jan-2017.
- c) 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 23-Jul-2015.
- d) Department of the Environment, Water, Heritage and the Arts (DEWHA) (2008). *Threat Abatement plan for predation by European red fox*. DEWHA, Canberra. In effect under the EPBC Act from 01-Oct-2008.

142) The *threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads* outlines 3 objectives, summarised as follows:

- a) Identify priority native species and ecological communities at risk from the impact of cane toads
- b) Reduce the impact on populations of native species and ecological communities
- c) Communicate information about cane toads, their impacts and the threat abatement plan

143) The *threat abatement plan for predation by feral cats* outlines 4 objectives, summarised as follows:

- a) Effectively control feral cats in different landscapes
- b) Improve effectiveness of existing control options for feral cats
- c) Develop or maintain alternative strategies for threatened species recovery
- d) Increase public support for feral cat management and promote responsible cat ownership

144) The *threat abatement plan for competition and land degradation by rabbits* outlines 4 objectives, summarised as follows:

- a) Strategically manage rabbits at the landscape scale and suppress rabbit populations to densities below threshold levels in identified priority areas
- b) Improve knowledge and understanding of the impact of rabbits and their interactions with other species and ecological processes
- c) Improve the effectiveness of rabbit control programs
- d) Increase engagement of, and awareness by, the community of the environmental impact of rabbits and the need for integrated control

145) The *threat abatement plan for predation by the European red fox* describes methods for controlling foxes, including baiting, biological control, barriers (fencing, islands as natural barriers), habitat management, shooting and bounties. The plan highlights the need for naturally coordinated action and for sufficient resources to be allocated to fox management. The plan also emphasises the importance of identifying priority areas for coordinated fox control activities.

146) I noted that the Queensland Government considered all Threat Abatement Plans and was of the view that approval of this action would not be inconsistent with the above obligations. I also had regard to the relevant threat abatement plans in forming my conclusions and deciding whether to approve the proposed action and gave consideration to the likely impacts of the proposed action on listed threatened species. I agreed with Queensland Government's view that approval of this action would not be inconsistent with the above threat abatement plans.

Conservation Advice

147) The approved conservation advices relevant to this proposed action are:

- a) Department of the Environment (2013). *Approved Conservation Advice for the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community*. Canberra: Department of the Environment. In effect under the EPBC Act from 17-Dec-2013.
- b) Department of the Environment and Energy (2019). *Conservation Advice (including listing advice) for the Poplar Box Grassy Woodland on Alluvial Plains*. Canberra: Department of the Environment and Energy. In effect under the EPBC Act from 04-Jul-2019.
- c) 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-Apr-2014.
- d) Department of Agriculture, Water and the Environment (2022). *Conservation Advice for Phascolarctos cinereus (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory*. Canberra: Department of Agriculture, Water and the Environment. In effect under the EPBC Act from 12-Feb-2022.
- e) Department of Climate Change, Energy, the Environment and Water (2022). *Conservation Advice for Petauroides volans (greater glider (southern and central))*. Canberra: Department of Climate Change, Energy, the Environment and Water. In effect under the EPBC Act from 05-Jul-2022.
- f) 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-Oct-2015.

148) The *Approved Conservation Advice for the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community (2013)* outlines four priority recovery and threat abatement actions. These actions are:

- a) Threat reduction/control
- b) Land management
- c) Management for wildlife
- d) Develop and propagate conservation information

149) The *Conservation Advice (including listing advice) for the Poplar Box Grassy Woodland on Alluvial Plains (2019)* outlines four key approaches to achieve the conservation objective. These approaches are:

- a) Protect the ecological community to prevent further loss of extent and condition
- b) Restore the ecological community within its current and potential range by active abatement of threats, revegetation and other conservation initiatives
- c) Engage with and support people to increase understanding of the value and function of the ecological community and encourage their efforts in its protection and recovery
- d) Research and monitoring to improve our understanding of the ecological community and methods for restoration and protection over the long-term.

150) The *Approved Conservation Advice for Denisonia maculata (Ornamental Snake) (2014)* outlines research priorities for the species. These priorities are:

- a) More precisely assess population size, distribution, ecological requirements and the relative impacts of threatening processes.
- b) Design and implement a monitoring program in key habitat and priority conservation areas.
- c) Monitor known populations to identify key threats.
- d) Monitor the progress of recovery, including the effectiveness of management actions and the need to adapt them if necessary.

151) The *Conservation Advice for Phascolarctos cinereus (Koala) (2022)* outlines six supporting strategies to provide governance to protect the Koala. These strategies are:

- a) build and share knowledge
- b) strong community engagement and partnerships
- c) increase habitat protection
- d) Koala conservation is integrated into policy, and statutory and land-use plans
- e) strategic habitat restoration
- f) active metapopulation management.

152) I noted that the Koala is listed as endangered, but was listed as vulnerable at the time the proposed action was determined to be a controlled action, so is considered a vulnerable species for the purposes of my assessment and decision.

153) The *Conservation Advice for Petauroides Volans (greater glider) (southern and central)) (2022)* outlines conservation and management priorities. These priorities are:

- a) Habitat loss, disturbance and modification (including fire)
- b) Climate change
- c) Invasive species (including threats from predation, grazing and trampling)
- d) Ex-situ recovery actions

154) I noted that the Greater Glider (Southern and Central) is listed as endangered, but was listed as vulnerable at the time the proposed action was determined to be a controlled action, so is considered a vulnerable species for the purposes of my assessment and decision.

155) The *Conservation Advice for the Geophaps scripta scripta Squatter Pigeon (southern) (2015)* outlines conservation actions to provide governance to protect the Squatter Pigeon. The relevant actions are summarised below:

- a) identify sub-populations of high conservation priority, especially in the southern part of the Squatter Pigeon's range
- b) protect and rehabilitate areas of vegetation that support important sub-populations
- c) develop and implement a stock management plan for key sites
- d) monitor selected sub-populations throughout the distribution of the subspecies to identify rates of population change.

156) I had regard to all approved conservation advices relevant to the proposed action and gave consideration to the likely impacts of the proposed action on listed threatened species and endangered ecological communities. I agreed with the Queensland Government's view that approval of this action would not be inconsistent with the conservation advices.

Migratory species – section 140

157) Under section 140, in deciding whether or not to approve the taking of an action for the purposes of section 20 or 20A relating to a listed migratory species, and what conditions to attach to such an approval, I must not act inconsistently with Australia's obligations under the following conventions and agreements as they apply to the relevant listed migratory species:

- a) the Bonn Convention;
- b) CAMBA;
- c) JAMBA;
- d) an international agreement approved under subsection 209(4).

The Bonn Convention

158) The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) aims to conserve terrestrial, aquatic and avian migratory species throughout their range.

159) The recommendations of the state assessment report are not considered by the Queensland Government to be inconsistent with the Bonn Convention. I noted that the Queensland Government also gave particular consideration to an appropriate combination of avoidance and mitigation measures for the management of species potentially impacted by the proposed action.

160) I considered that my approval, which assessed potential impacts to listed migratory species, is not inconsistent with the Bonn Convention. My approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

China-Australia Migratory Bird Agreement

161) The China-Australia Migratory Bird Agreement (CAMBA) lists terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds.

162) The CAMBA requires the parties to protect migratory birds by:

- a) limiting the circumstances under which migratory birds are taken or traded;
- b) protecting and conserving important habitats;
- c) exchanging information; and
- d) building cooperative relationships.

163) I considered that my approval, which has assessed impacts to listed migratory species, is not inconsistent with the CAMBA. My approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Japan-Australia Migratory Bird Agreement

164) The Japan-Australia Migratory Bird Agreement (JAMBA) lists terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds.

165) The JAMBA requires the parties to protect migratory birds by:

- a) limiting the circumstances under which migratory birds are taken or traded;
- b) protecting and conserving important habitats;
- c) exchanging information; and
- d) building cooperative relationships.

166) I considered that my approval, which has assessed impacts to listed migratory species, is not inconsistent with the JAMBA. My approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Other international agreements

Republic of Korea-Australia Migratory Bird Agreement

167) The Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA) lists terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds.

168) The ROKAMBA requires the parties to protect migratory birds by:

- a) limiting the circumstances under which migratory birds are taken or traded;

- b) protecting and conserving important habitats;
- c) exchanging information; and
- d) building cooperative relationships.

169) I considered that my approval, which has assessed impacts to listed migratory species, is not inconsistent with the ROKAMBA. My approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Bioregional plans – section 176(5)

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

171) I noted the proposed 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 proposed action.

Conditions of approval – section 134

172) 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).

173) I considered the likely scope and severity of impacts to protected matters, and the proposed avoidance and mitigation measures.

174) I decided that it was necessary or convenient to apply approval conditions to the proposed action, as detailed in the decision notice. The key conditions relating to protected matters have been discussed under each controlling provision above.

175) I considered that administrative conditions 34 to 71 are necessary for the effective and efficient administration of the proposed approval decision.

Additional considerations for conditions

176) In accordance with section 134(4) of the EPBC Act, 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

177) I considered the proposed conditions by the Queensland Government under the Environmental Protection Act 1994 (Queensland), as specified in the state assessment report. I considered that

the conditions recommended are suitable to manage some potential impacts, but that additional conditions are required to manage impacts to protected matters.

178) I considered the conditions of approval recommended by the department were not incompatible with the proposed conditions described in the state assessment report. Further, I noted that the department developed the recommended conditions of approval to avoid duplication with the proposed Queensland EA conditions and other relevant Queensland legislation.

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

179) I took into account the documentation provided by the proponent in making my decision on whether or not to approve the proposed action.

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.

180) I agreed with the department's recommendation to include standard administrative conditions that align with department policy on condition setting for approval decisions (conditions 34 – 71).

181) I considered that the recommended conditions are, as far as practicable, a cost-effective means for the Commonwealth and the person proposing the action to achieve the objects of the conditions.

Reasons for decision

182) Having considered all matters required to be considered under the EPBC Act and in light of the findings in paragraphs 35) to 104), I decided to approve the taking of the proposed action, subject to conditions, for the purposes of sections 18, 18A, 20, 20A, 24D and 24E of the EPBC Act.

183) The approval will be in effect until 1 October 2088 to allow sufficient time for the completion of construction, operation and decommissioning of the action and 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 of decision

9 April 2025

Annexure A – Relevant Legislation

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:
 - c) 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
 - d) 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:

- d) 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
- e) 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;
- g) 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:

- c) 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
- d) 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:
 - iii) to comply with this Act and the regulations; and
 - iv) not to contravene a condition attached to the approval; and
 - v) 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;
- a) 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
 - c) 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
- c) 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
 - iii) 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; and
 - 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:
 - h) the person's history in relation to environmental matters; and
 - i) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and
 - j) 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:

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.

Section 140 of the EPBC Act relevantly provides:

In deciding whether or not to approve for the purposes of section 20 or 20A the taking of an action relating to a listed migratory species, and what conditions to attach to such an approval, the Minister must not act inconsistently with Australia's obligations under whichever of the following conventions and agreements because of which the species is listed:

- (a) the Bonn Convention;
- (b) CAMBA;
- (c) JAMBA;
- (d) an international agreement approved under subsection 209(4).

Annexure B – Attachments to the final decision brief

- A: Proposed approval decision package
- B: Responses to invitation for comment on proposed decision
 - a. Agreement from proponent on Decision notice
 - b. Comment from Minister for Agriculture, Fisheries and Forestry
 - c. Comment from Geoscience Australia on behalf of Minister for Resources and Northern Australia
 - d. Comment from Queensland Department of Environment, Technology, Science and Innovation
- C: Final decision notice of decision
- D: Tracked changes proposed notice of decision
- E: Letters to relevant parties
 - a. Letter to proponent
 - b. Letter to Minister for Climate Change
 - c. Letter to Minister for Agriculture, Fisheries and Forestry
 - d. Letter to Minister for Resources and Northern Australia
 - e. Letter to State Department of Environment, Technology, Science and Innovation
- F: Safeguard mechanism letters to relevant parties
 - a. Safeguard mechanism letter to Minister for Climate Change
 - b. Safeguard mechanism letter to the Climate Change Secretary
 - c. Safeguard mechanism letter to the Climate Change Authority
- G: Request for reconsideration of controlled action decision: Lake Vermont Meadowbrook Coal Mine Project, Queensland (EPBC 2019/8485) Decision Brief