

Middlemount Coal Mine

Compliance Report –

North-eastern Extension (EPBC 2016/7717)

Reporting Period -

1 January 2022 to 31 December 2022

Environmental Protection and Biodiversity Conservation Act 1999

March 2023

Project Name	Middlemount Coal Mine, North-eastern Extension, Bowen Basin, QLD
Approval Holder	Middlemount Coal Pty Ltd
ACN	122 348 412
Address	Level 17, 444 Queen Street, Brisbane City, QLD 4001
EPBC Reference	EPBC 2016/7717
Approved Action	To extend the existing East Dump (overburden placement) site at Middlemount Coal Mine, 2.4 km west of Middlemount, Queensland
Approval Date of Action	29 March 2017
Commencement Date of Action	16 August 2017
Reporting Period	1 January 2022 to 31 December 2022
Expiry Date of Action	1 November 2042
Document Version	1.0
Declaration of Accuracy In making this declaration, I am aware that sections 490 and 491 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.	
Signature of authorised reporting officer	
Name of authorised reporting officer	Adam Heap
Title of authorised reporting officer	Environment, Community & Approvals Manager
Date	13 March 2023
Organisation Name	Middlemount Coal Pty Ltd
Organisation ACN	122 348 412

Revision Summary		
Author	Version	Date
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1. INTRODUCTION

The Middlemount Coal Mine is in the central Bowen Basin approximately 270 kilometres (km) north-west of Rockhampton and approximately 6 km south-west of Middlemount in central Queensland (Qld) (Figure 1).

On 31 May 2016, Middlemount Coal Pty Ltd (MCPL) an incorporated joint venture between Peabody Energy Australia Pty Ltd, and Yancoal Australia Ltd, lodged a referral with the Commonwealth Department of the Environment and Energy (DotEE) for the extension of the currently approved East Dump beyond part of the eastern extent of Mining Lease 70417 (the Action [North-eastern Extension]) using the same overburden emplacement methodology currently employed at the Middlemount Coal Mine (Figure 2 and Figure 3).

On 7 July 2016, a delegate for the Commonwealth Minister declared the Action to be a controlled action for the purposes of the Commonwealth *Environment Protection and Biodiversity Act, 1999* (EPBC Act) due to likely impacts on listed threatened species and communities (sections 18 and 18A).

Middlemount Coal Pty Ltd was subsequently granted approval for the Middlemount Coal North East Extension Project under the *Commonwealth Environment Protection and Biodiversity Act, 1990* (EPBC Act) on 29 March 2017 (Commonwealth Approval [EPBC Act (EPBC 2016/7717)]). Middlemount Coal notified DotEE on the 16 August 2017, that the referred action (Middlemount Coal Mine [North-eastern Extension]) was to commence on the 16 August 2017.

The approval is subject to eight (8) conditions and has effect until 1 November 2042. This compliance report is required by Condition 4 of the approval and has been prepared for Department of Climate Change, Energy, the Environment and Water (DCCEEW), formally the Commonwealth of Agriculture, Water and the Environment, the Department of the Environment and Energy (DotEE) & the Department of the Environment (DotE). The *Annual Compliance Report Guidelines* (DotE 2014) were referenced during the compilation of this report.

The approved action is as follows:

Approved action:

To extend the existing East Dump (overburden placement) site at Middlemount Coal Mine, 2.4 km west of Middlemount, Queensland

The EPBC Act approval decision encompasses the following controlling provisions:

Controlling Provision	Decision
Listed threatened species and communities (sections 18 and 18A)	Approve

This report details activities and compliance with EPBC 2016/7717 for the period 01 January 2022 to 31 December 2022.

2. DESCRIPTION OF ACTIVITIES

Middlemount Coal Pty Ltd operates the Middlemount Coal Mine (MCM), located 6km west of Middlemount township. The MCM is an open cut coal mine producing Pulverized Coal Injection (PCI) and Coking Coal for the export market. MCM is an incorporated joint venture between Peabody Energy Australia Pty Ltd (50%) and Yancoal (50%).

The MCM is permitted to extract up to 5.7 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal to produce approximately 4.2 Mtpa of combined PCI and Coking coal. PCI and Coking coal is used for the manufacturing of steel. MCM has contracted rail and port capacity through Dalrymple Bay Coal Terminal (DBCT) and Abbot Point Port (APCT).

Three primary seams of the Rangal coal measures are targeted for mining. The Middlemount and Pisces seams both have an average thickness of between 4.5m and 5m with the Tralee seam slated for extraction when it exceeds 0.3m in thickness.

Mining operations consist primarily of excavator and truck strip mining augmented by cast and doze. Beneficiation is performed in a 700tph single stage two product coal handling and preparation plant.

Marketing of the coal is conducted by Yancoal on MCM's behalf.

The operations at MCM occur 24 hours per day, 7 days per week.



Figure 1: Regional Location of Middlemount Coal Mine

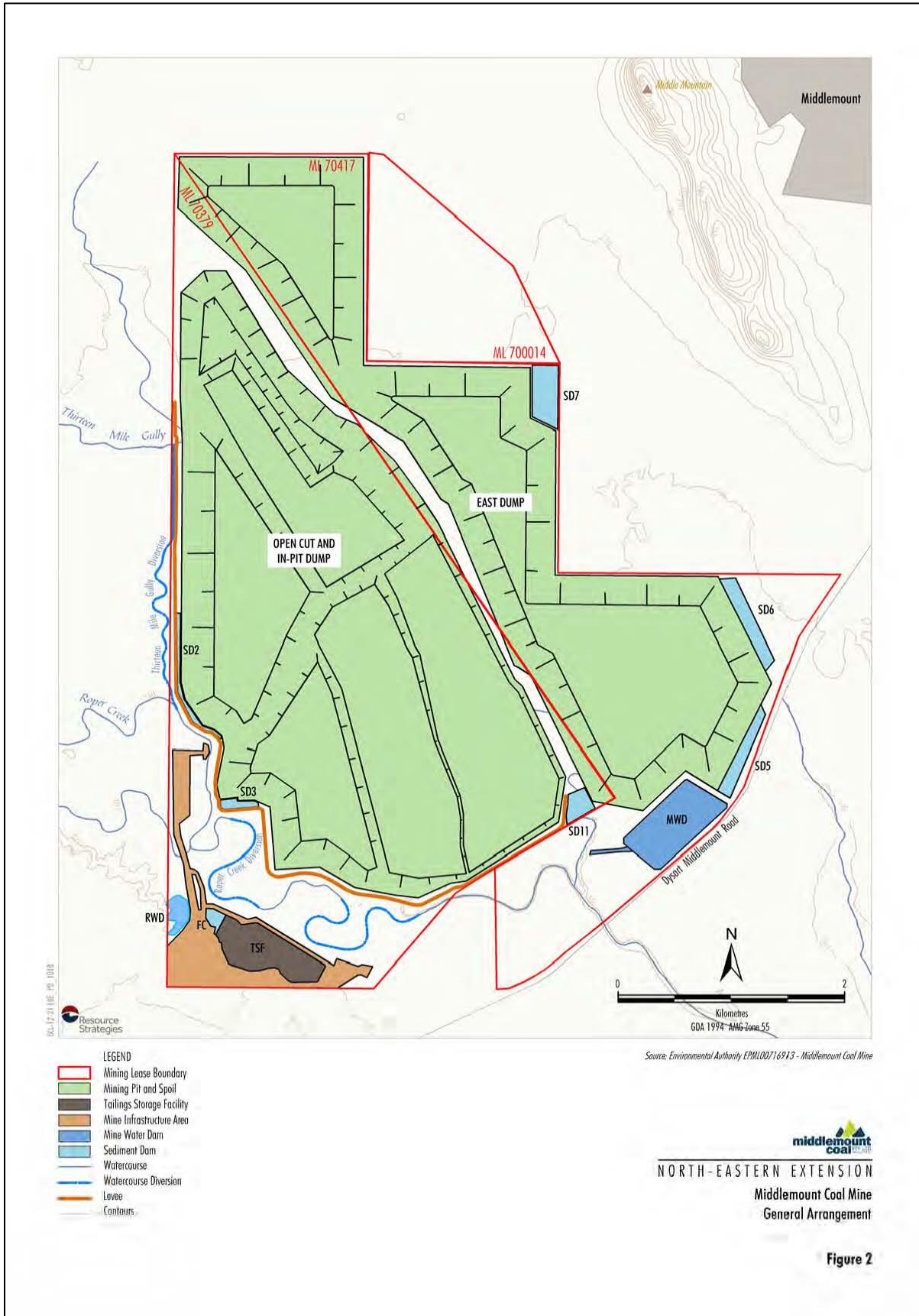
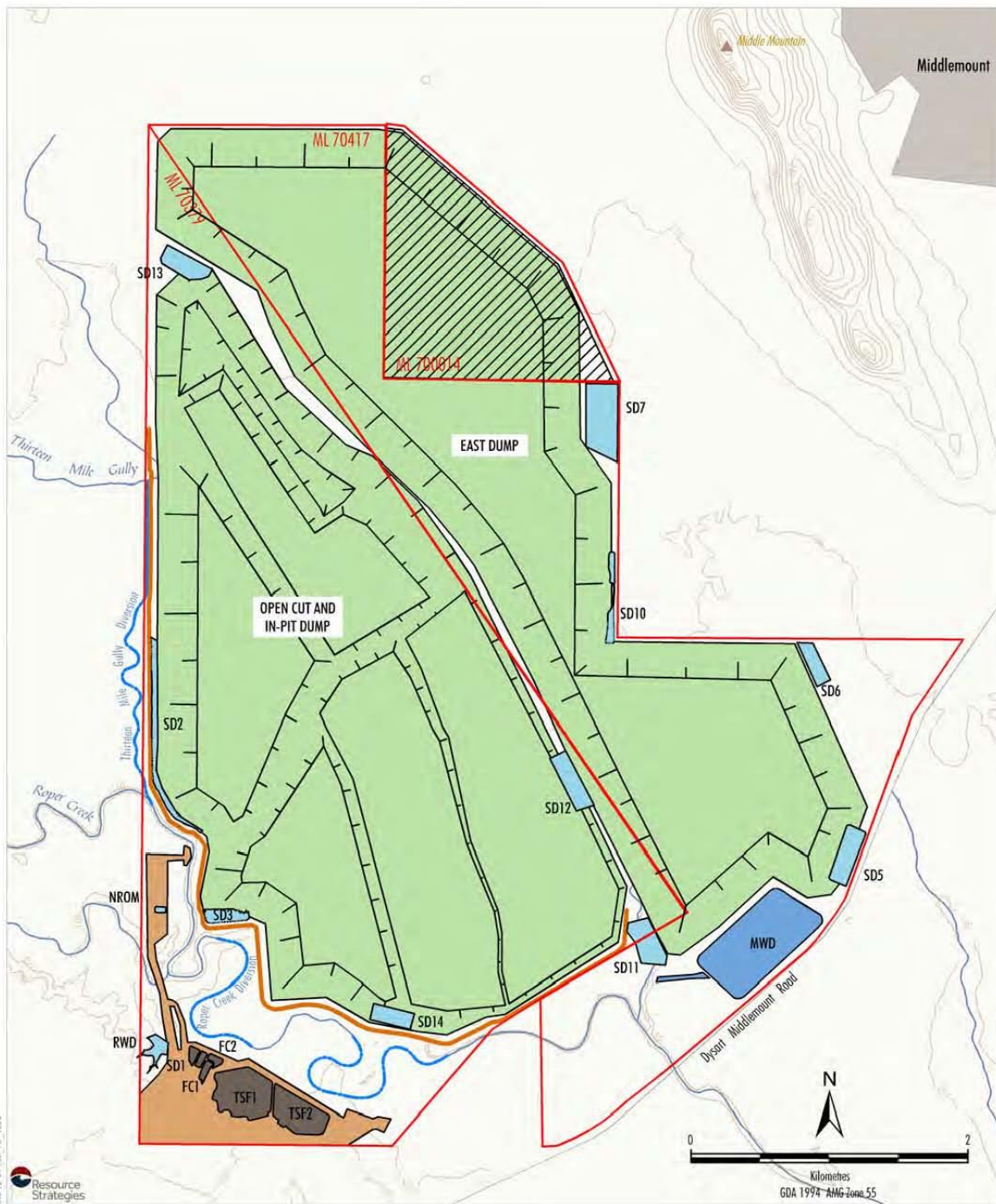


Figure 2: General arrangement of Middlemount Coal mine



- LEGEND
- Mining Lease Boundary
 - Approximate Extent of North-eastern Extension (the Action)
 - Mining Pit and Spoil
 - Mine Infrastructure Area
 - Mine Water Dam
 - Sediment Dam
 - Tailings Storage Facility
 - Watercourse
 - Watercourse Diversion
 - Levee
 - Contours

Source: Environmental Authority EPML007169X3 - Middlemount Coal Mine


NORTH-EASTERN EXTENSION
 General Arrangement of the
 Middlemount Coal Mine
 Incorporating the Action
Figure 3

Figure 3: General arrangement of the Middlemount Coal mine incorporating the action

3. COMPLIANCE TABLE

Condition Number	Condition	Compliant/Non Compliant/Not applicable ¹	Evidence/Comments
1	<p>Project Site</p> <p>The approval holder must not, as a result of the action, disturb more than 181 ha of native vegetation within and adjacent to the project site, as shown in Figure 1 (of approval, Figure 3 above).</p>	Compliant	The extent of clearing to 31 December 2022 was approximately 151 ha.
2	<p>Offsets</p> <p>To compensate for the loss of 181 ha of habitat for the squatter pigeon and south-eastern long-eared bat, the approval holder must:</p> <p>a) Legally secure and implement the offset of at least 532 ha within the offset site, as shown in Figure 2. The offset mechanism used to legally secure the offset site must be in place within two years from the date of approval and must remain in place for the life of the approval. The condition targets listed in condition 2d, must be listed in the outcomes of the offset mechanism.</p> <p>b) Ensure the Offset Management Plan used to legally secure the offset site includes the Vertebrate Pest Management Strategy that aims to reduce and minimise the presence of vertebrate pest species, including, but not limited to rabbits, cats, and red foxes within the offset site. The Offset Management Plan must be published on the approval holders website within 1 month of the offset mechanism being granted by the Queensland Governments</p>	Compliant	<p>a) The offset mechanism used to legally secure the offset site was in place by 29 March 2019.</p> <p>b) The OMP includes a Pest Animal Management Strategy, Section 3.5.</p> <p>c) The Offset Baseline Monitoring Report was submitted to DotE on 12 December 2017 – Compliant (See <i>Appendix 1</i>)</p> <p>d) Noted</p> <p>e) Noted</p> <p>f) Noted</p> <p>g) Noted</p>

Condition Number	Condition	Compliant/Non Compliant/Not applicable ¹	Evidence/Comments
	<p>c) Conduct a baseline Survey of the offset site and provide an Offset Baseline Report detailing the results of the Baseline Survey to the Department within 12 months of the commencement. The Offset Baseline Report must be prepared by a suitably trained ecologist/s, provide a geo-referenced map showing the location of the survey site, provide written descriptions about the baseline health and quality of each Regional Ecosystem Mapping index area within the offset site, and provide the statistics recorded during the Baseline Survey. The Baseline Survey, including the selection of survey site and Offset Baseline Report must be undertaken and prepared in accordance with the Queensland Governments Guide to determining terrestrial habitat quality.</p> <p>d) Ensure that by the 15 year anniversary of commencement of the action, the offset site meets the following condition targets:</p> <ul style="list-style-type: none"> i. Each area designated by Regional Ecosystem Mapping in Figure 2 must have a weed cover of 20% or less; ii. Areas identified as regional ecosystems 11.5.2a, 11.7.2 and 11.7.4 in Figure 2 must each have at least 30% shrub canopy cover; and iii. Areas designated by Regional Ecosystem Mapping in Figure 2 as non-remnant must be of a condition that is eligible to be mapped as a remnant woody regional ecosystem (as defined under the <i>Queensland Vegetation Management Act 1999</i>) where Eucalypts, Corymbia, Acacia or Callitris spp. are the dominant canopy species. <p>e) Ensure weed cover in any Regional Ecosystem Mapping index area of the offset site does not exceed the baseline condition for</p>		

Condition Number	Condition	Compliant/Non Compliant/Not applicable ¹	Evidence/Comments
	<p>each Regional Ecosystem Mapping index area described in the Offset Baseline Report required under condition 2c of this approval for the life of the approval.</p> <p>f) Ensure that the condition targets do not decline for the remainder of the approval once the condition targets have been met.</p> <p>g) Make application to the Queensland Government to have areas shown in Figure 2 identified as non-remnant to be listed as remnant vegetation under the <i>Vegetation Management Act 1999</i> prior to the 15th anniversary of commencement of the action.</p>		
3	Condition 3 was deleted as per VARIATION OF CONDITIONS ATTACHED TO APPROVAL Middlemount Coal Mine, North-eastern Extension, Bowen Basin, Qld (EPBC 2016/7717), dated 25 June 2020.		
4A	<p>Reporting non-compliance</p> <p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: a. any condition which is or may be in breach; b. a short description of the incident and/or non-compliance; and c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p>	Compliant	No non-compliant matters have occurred.

Condition Number	Condition	Compliant/Non Compliant/Not applicable ¹	Evidence/Comments
4B	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b. the potential impacts of the incident or non-compliance; and c. the method and timing of any remedial action that will be undertaken by the approval holder.	Compliant	No non-compliant matters have occurred.
5	Within 30 days after the commencement of that action, the approval holder must advise the Department in writing of the actual date of commencement of the action.	Compliant	In a letter dated to DoEE 16 August 2017 , the commencement date of the action was 16 August 2017 – Compliant (see <i>Appendix 2</i>).
6	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not applicable	Action commenced on 16 August 2017 .
7	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the offsets, monitoring results and the Annual Compliance Report required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the	Compliant	Noted

Condition Number	Condition	Compliant/Non Compliant/Not applicable ¹	Evidence/Comments
	Department’s website. The results of audits may also be publicised through the general media.		
8	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor and the audit criteria must be approved by the Minister prior to the beginning of the audit. The audit report must address the criteria to the satisfaction of the Minister.	Not applicable	Noted

¹ Definitions

- Compliant ‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
- Non-compliant Requirements of a condition or elements of a condition, including the implementation of management plans and other measures have not been met.
- Not applicable requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example a condition which applies to an activity that has not yet commenced.

Appendix 1: Letter to DotEE Baseline Survey completion

Leeanne Pattinson

From: EPBC Monitoring <EPBCMonitoring@environment.gov.au>
Sent: Thursday, 14 December 2017 10:46 AM
To: Shane Flint; EPBC Monitoring
Subject: RE: Middlemount Coal Mine - EPBC 2016/7717 condition 2c - Offset Baseline Report [SEC=UNCLASSIFIED]

Hi Shane

Thank you for your email containing the Offset Baseline Report as per condition 2c and note the report has been received within 12 months of commencement of the action.

Just a friendly reminder your first Annual Compliance Report is due by 17 December 2017.

If you have any questions, please feel free to contact me.

Regards

Keith Horwood
Compliance Monitoring Team
Office of Compliance
Department of the Environment and Energy
GPO Box 787 CANBERRA, ACT 2601
T 02 6274 1933

From: Shane Flint [mailto:sflint@middlemountcoal.com.au]
Sent: Tuesday, 12 December 2017 4:46 PM
To: EPBC Monitoring <EPBCMonitoring@environment.gov.au>
Cc: Post Approval <PostApproval@environment.gov.au>
Subject: Middlemount Coal Mine - EPBC 2016/7717 condition 2c - Offset Baseline Report

Dear Sir/Madam

Please find attached an Offset Baseline Report to meet condition 2c of the EPBC 2016/7717 approval.

Regards

Shane Flint
Environmental Manager



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E: sflint@middlemountcoal.com.au
PO Box 24
Middlemount QLD 4746

Appendix 2: Letter to DotEE regarding commencement date of action

Level 1, 100 Melbourne Street
South Brisbane QLD 4101
GPO Box 241
Brisbane QLD 4001
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F : (617) 3179 2098
E : info@middlemountcoal.com.au
W : www.middlemountcoal.com.au



16 August 2017

Department of Environment and Energy
GPO Box 787
CANBERRA ACT 2601

Via email: PostApproval@environment.gov.au

To whom it may concern,

RE: Middlemount Coal North-eastern Extension (EPBC 2016/7717) Commencement Notification

The EPBC Act approval for the North-eastern Extension (2016/7717) requires notification to the Department following commencement of the action. Condition 5 states:

5) Within 30 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.

Accordingly, please note that the North-eastern Extension action commenced on 16 August 2017.

Should you have any questions please do not hesitate to contact the undersigned on 0749 850 059 or sflint@middlemountcoal.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Shane Flint", is written over a light blue horizontal line.

Shane Flint
Environmental Manager