

# Middlemount Coal Mine

## **Compliance Report –**


### **Middlemount Coal Project Stage 2 EPBC 2010/5394**

#### **Reporting Period-**

17 December 2019 to 31 December 2020

*Environmental Protection and Biodiversity Conservation Act 1999*

## **March 2021**

<b>Project Name</b>	Middlemount Coal Project (Stage 2)
<b>Approval Holder</b>	Middlemount Coal Pty Ltd
<b>ACN</b>	49 122 348 412
<b>Address</b>	Level 17, 444 Queen Street, Brisbane City, QLD 4001
<b>EPBC Reference</b>	EPBC 2010/5394
<b>Approved Action</b>	To expand existing open cut mining operations (Stage 2) at Middlemount Coal Mine, Bowen Basin, Middlemount, Queensland
<b>Approval Date of Action</b>	7 September 2012
<b>Commencement Date of Action</b>	17 September 2012
<b>Reporting Period</b>	17 December 2019 to 31 December 2020
<b>Expiry Date of Action</b>	1 November 2042
<b>Document Version</b>	1.0
<p><b>Declaration of Accuracy</b> 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.</p>	
<b>Signature of authorised reporting officer</b>	
<b>Name of authorised reporting officer</b>	Adam Heap
<b>Title of authorised reporting officer</b>	Environment & Community Manager
<b>Date</b>	24 March 2021
<b>Organisation Name</b>	Middlemount Coal Pty Ltd
<b>Organisation ACN</b>	49 122 348 412

Revision Summary		
Author	Version	Date
Environment – Middlemount Coal Pty Ltd	1.0	24 March 2021

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## 1. INTRODUCTION

The Middlemount Coal Mine is located 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).

An Offset Strategy was developed for the Middlemount Coal (Stage 2) Project and was provided to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) on 1 August 2012. Middlemount Coal Pty Ltd was subsequently granted approval for the Middlemount Coal (Stage 2) Project under the *Commonwealth Environment Protection and Biodiversity Act, 1990* (EPBC Act) on 7 September 2012 (Commonwealth Approval [EPBC Act 2010/5394]). Middlemount Coal notified SEWPaC that the referred action (Middlemount Coal Mine [Stage 2 Project]) was to commence on the 17 September 2012.

Construction commenced on 17 September 2012 and the Middlemount Coal Mine [Stage 2 Project] is now referred to as the Middlemount Coal Mine (MCM). The approval is subject to eight (8) conditions and has effect until 1 November 2042. This compliance report is required by Condition 7 of the approval and has been prepared for the Department of Agriculture, Water and the Environment (DAWE), formally the Department of the Environment and Energy (DotEE), the Department of the Environment (DotE) and the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). The *Annual Compliance Report Guidelines* (DoE 2014) were referenced during the compilation of this report.

A variation to the original approval was granted on 11 October 2019 in relation to the modification of offset areas as part of the Western Extension Project (EPBC 2017/8130). Conditions 1A, 1B and 2A were added to the approval as detailed below.

The approved action is as follows:

**Approved action:**

**To expand existing open cut mining operations (Stage 2) at Middlemount Coal Mine, Bowen Basin, Middlemount, Queensland**

The EPBC Act approval decision encompasses the following controlling provisions:

<b>Controlling Provision</b>	<b>Decision</b>
<b>Listed threatened species and communities (sections 18 and 18A)</b>	<b>Approve</b>

A second Variation Decision was granted on the 25/06/2020.

This variation is as per the below:

<b>Variation</b>	
<b>Variation of conditions of approval</b>	<p>The variation is:</p> <p>Delete condition 7 and replace it with the conditions specified in the table below.</p> <p>Add conditions 7A and 7B specified in the table below.</p> <p>Add definitions of Business day, Compliance report, Incident, Plan, Sensitive ecological data and Website specified in the table below.</p>
<b>Date of effect</b>	This variation has effect on the date the instrument is signed
<b>Expiry Date of approval</b>	This approval has effect until 1 November 2042

This report details activities and compliance with EPBC 2010/5394 for the period 17 December 2019 to 30 December 2020.

## 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. 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 operated under contract by Sedgman.

Marketing of the coal is conducted by Peabody and Yancoal on Middlemount's behalf.

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

### 3. COMPLIANCE TABLE

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
1	<p>Offset Management Plan</p> <p>To offset the impacts to EPBC listed threatened species and ecological communities, the person taking the action must submit to the Minister for approval an Offset Management Plan within 12 months of the date of this approval. Operations within Area B cannot commence unless the Offset Management Plan has been approved by the Minister.</p> <p>The Offset Management Plan must include, but not be limited to the following:</p> <p>a. details of management actions to protect and enhance the extent and condition of the threatened species habitat values including rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions to access of no less than:</p> <p>i) 670 ha of Ornamental snake habitat; ii) 3,280 ha of Squatter Pigeon habitat; and iii) 150 ha of Brigalow ecological community</p> <p>b. the desired outcomes/objectives of implementing the plan;</p> <p>c. the timing, responsibilities and performance criteria for such actions;</p> <p>d. a monitoring plan including ecological surveys that must be</p>	Compliant	<p>Middlemount Coal Mine Offset Management Plan (OMP) was originally approved by SEWPaC on <b>30 November 2012</b> (see Appendix A).</p> <p>The plan was revised to reflect VDec notice and the updated plan was approved by DotE <b>18 March 2014</b> (see Appendix B).</p> <p>The requirements of this condition are addressed in the OMP as per below:</p> <ul style="list-style-type: none"> <li>a) Section 3</li> <li>b) Section 1.2</li> <li>c) Sections 3.13 and 7</li> <li>d) Section 5.1</li> <li>e) Figures 1 to 8</li> <li>f) Section 5.2</li> <li>g) Section 6.1</li> <li>h) Section 5.4</li> <li>i) Section 6.2</li> </ul>

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>undertaken to assess the success of the management measures against identified milestones and objectives;</p> <p>e. a clear definition of the location and boundaries of the offset area, through maps and/or textual descriptions as well as accompanying shapefiles;</p> <p>f. a process to report to the Department the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management;</p> <p>g. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks;</p> <p>h. details of parties responsible for monitoring, reviewing and implementing the plan; and</p> <p>i. what would be the contingency strategy in the event that a third party impacts the offset site.</p> <p>The approved <i>Offset Management Plan</i> must be implemented.</p>		

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
1A	<p>To compensate for and replace the 32ha reduction of the offset provided in satisfaction of condition 1 and secured in 2015, (the reduction arising from the approved proposed Western Expansion of the mine, EPBC referral 2017/8130), the approval holder must secure the following:</p> <ul style="list-style-type: none"> <li>a. 22.5ha of Ornamental Snake habitat;</li> <li>b. 38ha of Squatter Pigeon habitat; and</li> <li>c. 18.5ha of Brigalow ecological community.</li> </ul>	Compliant	<p>The additional offset area was secured along with the offset areas required for the Western Extension project EPBC 2017/8130.</p> <p>The VDEC for the additional new offset was approved on 17/10/2019.</p> <p>The VDEC is presented in Appendix C.</p>
1B	<p>The person taking the action must submit to the Minister for written approval a revised Offset Management Plan by 20 December 2019.</p> <p>The revised Offset Management Plan must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a. details of management actions to protect and enhance the extent and condition of the threatened species habitat values including rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions to access of no less than:</li> </ul> <ul style="list-style-type: none"> <li>i) 1,1692.5 ha of Ornamental snake habitat;</li> </ul>	Compliant	<p>Middlemount Coal Mine Offset Management Plan (OMP) was approved by SEWPaC on <b>30 November 2012</b> (see Appendix A).</p> <p>The plan was revised to reflect VDec notice and the updated plan was approved by DotE <b>18 March 2014</b> (see Appendix B).</p> <p>The plan was again revised in 2019 to incorporate the Western Extension (EPBC 2017/8130) and modified Stage 2 offset area (EPBC2010/5394).</p>



Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<ul style="list-style-type: none"> <li>ii) 3,318 ha of Squatter Pigeon habitat; and</li> <li>iii) 168.5 ha of Brigalow ecological community</li> <li>b. the desired outcomes/objectives of implementing the plan;</li> <li>c. the timing, responsibilities and performance criteria for such actions;</li> <li>d. a monitoring plan including ecological surveys that must be undertaken to assess the success of the management measures against identified milestones and objectives;</li> <li>e. a clear definition of the location and boundaries of the offset area, through maps and/or textual descriptions as well as accompanying shapefiles;</li> <li>f. a process to report to the Department the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management;</li> <li>g. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks;</li> </ul>		<p>The requirements of this condition are addressed in the OMP as per below:</p> <ul style="list-style-type: none"> <li>a) Section 3</li> <li>b) Section 1.2</li> <li>c) Sections 3.13 and 7</li> <li>d) Section 5.1</li> <li>e) Figures 1 to 8</li> <li>f) Section 5.2</li> <li>g) Section 6.1</li> <li>h) Section 5.4</li> <li>i) Section 6.2</li> </ul> <p>The plan is being implemented.</p>

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>h. details of parties responsible for monitoring, reviewing and implementing the plan; and</p> <p>i. what would be the contingency strategy in the event that a third party impacts the offset site.</p> <p>The approved <i>Offset Management Plan</i> must be implemented.</p> <p>Note: The approval holder must implement the approved Offset Management Plan specified in condition 1 until the Minister has approved the revised Offset Management Plan specified in condition 1B.</p>		
2	<p>Mechanism to secure offsets</p> <p>To offset the impacts to <b>EPBC listen threatened species and ecological communities</b>, the person taking the action must register a legally binding conservation mechanism over a minimum of 1,670 ha of Ornamental Snake, 3,280 ha of Squatter Pigeon and 150 ha of Brigalow ecological community (the offset area) as identified in the offset management plan.</p> <p>The mechanism/s must provide enduring protection for protection for the offset areas and be registered within 12 months of the date of this approval.</p>	Compliant	<p>A voluntary declaration on Lot 2 on SP248577 - Isaac Regional Council, after liaison with QLD Government, was certified by DNRM on <b>25 November 2013</b> (see Appendix C).</p> <p>The VDEC was subsequently updated to incorporate the Western Extension (EPBC 2017/8130) and modified Stage 2 offset area (EPBC2010/5394). The VDEC was certified by DNRM on <b>17 October 2019</b> (see Appendix C).</p>

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
2A	<p>To offset the impacts to <b>EPBC listed threatened species and ecological communities</b></p> <p>To offset the impacts to EPBC listed threatened species and ecological communities, including arising from the 32ha reduction of the offset provided in satisfaction of condition 1, and to ensure the enduring protection of the balance of the offset area secured in accordance with condition 2, the person taking the action must register a legally binding conservation mechanism over a minimum of 1,692.5ha of Ornamental Snake habitat, 3,318ha of Squatter Pigeon habitat and 168.5ha of Brigalow ecological community (the offset) as identified in the offset management plans referred to in conditions 1 and 1A.</p> <p>The mechanism must provide enduring protection for the offset and be registered by 28 June 2020.</p> <p>The conditions of the conservation mechanism must ensure that management actions are undertaken for the protection and enhancement of the EPBC listed threatened species and ecological communities. The person taking the action must obtain agreement from any third parties responsible for management actions and provide details of the responsible parties, including their position or status as a separate contractor, to the Department.</p>	Compliant	<p>A voluntary declaration on Lot 2 on SP248577 - Isaac Regional Council, after liaison with QLD Government, was certified by DNRM on <b>25 November 2013</b> (see Appendix C).</p> <p>The VDEC was subsequently updated to incorporate the Western Extension (EPBC 2017/8130) and modified Stage 2 offset area (EPBC2010/5394). The VDEC was certified by DNRM on <b>17 October 2019</b> (see Appendix C).</p>

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>Note: The offset area required under condition 2 will be replaced by the offset area provided in accordance with condition 2A.</p>		
3	<p>As a precautionary approach, the person taking the action must within 6 months of the date of this approval, and prior to the Commencement of operations in Area B, provide to the Minister the water management plan and erosion and sediment control plan.</p> <p>The plans are identified in conditions W31 and W39 of the Queensland Government Environment Authority dated 29 June 2012 (Permit Number: MIN100646307 on ML70379 and ML70417).</p>	Compliant	<p>SEWPaC were issued on <b>21 December 2012</b> a report with the following documents:</p> <ul style="list-style-type: none"> <li>• Middlemount Coal Mine Water Management Plan</li> <li>• Middlemount Coal Mine Erosion and Sediment Control Plan</li> <li>• Management of Potential Water-Related Impacts on Matters of National Environmental Significance (see <i>Appendix D</i>).</li> </ul>
4	<p>The person taking the action must within 6 months of the date of his approval, and prior to the Commencement of operations in Area B, provide to the Minister a report on how the water management plan and erosion and sediment control plan addresses possible erosion, sediment control and release of waters and their potential impacts to nationally listed threatened species and ecological communities.</p>	Compliant	<p>This was addressed in the report issued to SEWPaC on <b>21 December 2012</b> within the following document:</p> <ul style="list-style-type: none"> <li>• Management of Potential Water-Related Impacts on Matters of National Environmental Significance (see <i>Appendix D</i>).</li> </ul>

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
5	If, after receiving the water management plan, the Minister is not satisfied that the water management plan and erosion and sediment control plan adequately address impacts on listed threatened species and ecological communities, the Minister may require in writing that the person taking the action provide additional information within a specified timeframe.	Not applicable	No additional information requested.
6	Within 14 days from the Commencement of the action, the person taking the action must advise the Department in writing of the actual date of Commencement.	Compliant	The commencement date of the action was <b>17 September 2012</b> , with Middlemount Coal writing to the Department on <b>28 September 2012</b> (see Appendix E).
7	Annual compliance reporting  7. The approval holder must prepare a compliance report for each 12-month period following the date of commencement, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: a. publish each compliance report on the website within 60 business days following the relevant 12-month period; b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication; c. keep all compliance reports publicly available on the website until this approval expires;	Compliant	Compliance Report published to website on the 25/03/21.

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p> <p>Note: Compliance reports may be published on the Department’s website.</p>		
7A	<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:</p> <p>a. any condition which is or may be in breach;</p> <p>b. a short description of the incident and/or non-compliance; and</p> <p>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-compliance matters have occurred.
7B	<p>The approval holder must provide to the <b>Department</b> the details of any <b>incident</b> or non-compliance with the conditions or commitments made in <b>plans</b> as soon as practicable and no later</p>	Compliant	No non-compliance matters have occurred.

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>than 10 <b>business days</b> after becoming aware of the <b>incident</b> or non-compliance, specifying:</p> <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the <b>incident</b> or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>		
8	<p>Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of the approval is conducted and a report submitted to the Minister.</p> <p>The independent auditor must be approved by the Minister prior to the commencement of the audit.</p> <p>Audit criteria must be agreed to the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	Not applicable	No direction received during the reporting period.

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
9	<p>If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in condition 1, the person taking the action must submit for the Ministers written approval a revised version of any such plan.</p> <p>The varied activity shall not commence until the Minister has approved the varied plan in writing.</p> <p>If the Minister approves such a revised plan, the plan must be implemented in place of the plan originally approved.</p> <p>Unless the Minister has approved the revised plan, then the person taking the action must continue to implement the plan originally approved, referred to in condition 1.</p>	Compliant	<p>As part of the QLD government process to secure the offset area, some revisions to the offset management area were required.</p> <p>The revised offset management plan was approved by DNRM on <b>25 Nov 2013</b>.</p> <p>Consequently, the revised plan was submitted to the Commonwealth Minister for approval, granted <b>18 March 2014</b>. (see <i>Appendix B</i>).</p> <p>The plan was again revised to incorporate the Western Extension (EPBC 2017/8130) and modified Stage 2 offset area (EPBC2010/5394).</p> <p>Approval letter received <b>25 November 2019</b> and is presented in Appendix B.</p>
10	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to the plan pursuant to condition 1 and submit the revised plan for the Ministers written approval.</p>	Not applicable	<p>No requests received during the reporting period.</p>



Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
	<p>The person taking the action must comply with any such request. The revised approved plan must be implemented.</p> <p>Unless the Minister has approved the revised plan then the person taking the action must continue to implement the plan originally approved, referred to in condition 1.</p>		
11	<p>If, at any time after five years from the date of this approval, the person taking the action has not Substantially Commenced the action, then the person taking the action must not Substantially Commence the action without the written agreement of the Minister.</p>	Compliant	<p>The commencement date of the action was <b>17 September 2012</b> (see Appendix E).</p>
12	<p>The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the Department.</p> <p>Such reports 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.</p> <p>Summaries of audits will be posted on the Departments website. The results of audits may also be publicised through the general media.</p>	Compliant	Noted

Condition Number	Condition	Compliant/Non Compliant/Not applicable <sup>1</sup>	Evidence/Comments
13	<p>Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the management plan, referred to in condition 1, of approval on their website.</p> <p>Each plan must be published on the website within one month of being approved.</p>	Compliant	<p>The revised Offset Management Plan was published on the website <b>10 April 2014</b>, within one month of approval <a href="https://www.middlemountcoal.com.au/document-downloads">https://www.middlemountcoal.com.au/document-downloads</a> (see Appendix F) – Compliant.</p> <p>The approved 2019 Offset Management Plan was also uploaded to the website.</p>

<sup>1</sup> 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 A - Approval of Offset Management Plan (OMP) by SEWPaC



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

Our reference: 2012/12987

Contact Officer: Catherine Twigg  
Telephone: (02) 6275 9977 Facsimile: (02) 6274 1878  
Email: post.approvals@environment.gov.au

Mr Jamie Gleeson  
Environmental Manager – Senior Ecologist  
Resource Strategies Pty Ltd  
Suite 2, Level 3  
24 McDougall Street  
Milton QLD 4064

Dear Mr Gleeson

**Middlemount Coal Project Stage 2, Middlemount Coal Pty Ltd, Queensland  
(EPBC 2010/5394)**

I refer to the Offset Management Plan, attached to your correspondence of 25 October 2012, as required under condition 1 of the approval decision dated 7 September 2012.

The Offset Management Plan has been reviewed by officers of the department and has been found to meet the requirements of the condition. On this basis, and as delegate of the Minister for Sustainability, Environment, Water, Population and Communities (the Minister), I have decided to approve the Plan. The approved plan must be implemented.

Please be aware, as per condition 3 of the approval, prior to commencement of the action the department must receive the water management plan and the erosion and sediment control plan.

We would appreciate if you could advise us of any changes to the project e.g. contact officer, company address, commencement date etc.

You should note that any transfer of this approval to another person must have the consent of the Minister under section 145B of the EPBC Act.



GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666  
[www.environment.gov.au](http://www.environment.gov.au)



If you have any enquiries please contact Catherine Twigg whose details are provided above.

Yours sincerely



Shane Gaddes  
a/g Assistant Secretary  
Compliance and Enforcement Branch  
Environment Assessment and Compliance Division

30 November 2012

**Note:** Under s 491 of the *Environment Protection and Biodiversity Conservation Act 1999* it is an offence to knowingly provide false and/or misleading information to a departmental officer.

2.

## APPENDIX B – Revised OMP approval by DotEE



Australian Government  
Department of the Environment

Our reference: 2012/12987

Contact Officer: Alex Taylor  
Telephone: (02) 6274 2209 Facsimile: (02) 6274 1878  
Email: [post.approvals@environment.gov.au](mailto:post.approvals@environment.gov.au)

Mr Graham Chase  
Senior Environmental Advisor  
Middlemount Coal Pty Ltd  
GPO Box 241  
BRISBANE QLD 4001

Dear Mr Chase

### **Middlemount Coal Project Stage 2 (EPBC 2010/5394)**

I write in relation to your letter of 21 February 2014 in which you request, approval of the revised Offset Management Plan / Vegetation Management Plan (November 2013), submitted in accordance with condition 9 of *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) approval 2010/5394.

The department has reviewed the Offset Management Plan / Vegetation Management Plan (November 2013) and has determined that the document satisfies the requirements outlined in the conditions of approval and that are required to be met in the plan. On this basis, as delegate of the Minister for the Environment, I have decided to approve the revised Offset Management Plan / Vegetation Management Plan (November 2013).

In accordance with condition 9 of the approval, the abovementioned varied plan must be implemented in place of the Offset Management Plan approved on 30 November 2012. In accordance with condition 13 of the approval, the approved revised Offset Management Plan / Vegetation Management Plan (November 2013) must be published on your website within one month of the revised plan being approved.

Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the department on request. Such documents may be subject to audit and used to verify compliance. Summaries of results of audits may be published by the department. Information about the monitoring and audit program can be found on the department's web site at <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/complian-2>

Please contact Alex Taylor with any enquiries in relation to this matter, on 02 6274 2209.

Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch  
Environment Assessment and Compliance Division

19 March 2014



Australian Government  
Department of the Environment and Energy

Our ref: EPBC 2010/5394

Mr Shane Flint  
Environment Manager  
Middlemount Coal  
GPO Box 241  
BRISBANE QLD 4001

Dear Mr Flint

**EPBC 2010/5394: Middlemount Coal Project Stage 2: Middlemount Coal Mine – Revised Offset Management Plan**

Thank you for your letter dated 23 July 2019 to the Department of the Environment and Energy, seeking approval of the *Middlemount Coal Mine Offset Management Plan / Vegetation Management Plan March 2019 Project No. MCPL-02 Document No. 00960203*, in accordance with condition 1B of the above project under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

Officers of the Department have advised me on the *Middlemount Coal Mine Offset Management Plan / Vegetation Management Plan March 2019 Project No. MCPL-02 Document No. 00960203* and the requirements of the conditions of the approval for this project. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the *Middlemount Coal Mine Offset Management Plan / Vegetation Management Plan March 2019 Project No. MCPL-02 Document No. 00960203*. This plan must now be implemented.

As you are aware, the Department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the Department on request.

Should you require any further information please contact Peter Blackwell on (03) 6208 2927 or [postapproval@environment.gov.au](mailto:postapproval@environment.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Manning', written over a light blue circular stamp.

Greg Manning  
Assistant Secretary  
Assessments and Post Approvals Branch

25 November 2019

## APPENDIX C - Voluntary Declarations Certified by DNRM



Department of  
**Natural Resources and Mines**

Author: Didi Tian  
File/Ref number: 2013/003919  
Unit: Planning & Assessment  
Phone: 07 4837 3458

25 November 2013

The Directors,  
Middlemount Coal Pty Ltd  
A.C.N 122 348 412  
100 Edward Street  
Brisbane QLD 4000



Our ref.: 2013/003919

To The Directors, Middlemount Coal Pty Ltd A.C.N 122 348 412

**Re: Certification of a voluntary declaration on Lot 2 on SP248577 - Isaac Regional Council**

This is to advise you that a voluntary declaration on Lot 2 on SP248577 - Isaac Regional Council has been certified—consistent with your agreement—by the Department of Natural Resources & Mines (DNRM) on 25 November 2013. A copy of each of the following certified documents are attached for your records:

- Voluntary Declaration Notice;
- Declared Area Map (2013/003919);
- Declared Area Property Map of Assessable Vegetation (PMAV) 2013/003919; and
- Vegetation Management Plan for Lot 2 on SP248577 being utilised for Vegetation Offset

If a registered owner requires additional copies of the certified documents, these can be purchased at the Department of Natural Resources & Mines Customer Service Centre.

Department of Natural Resources & Mines  
209 Bolsover Street  
PO Box 1762  
Rockhampton QLD 4700  
Telephone (07) 4837 3458  
Facsimile (07) 4837 3448  
Website [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)  
ABN 46 640 294 485

Please note, that in accordance with the declaration, management of the declared area, monitoring the condition of the declared area, and reporting on the condition of the declared area will be required. Please refer to the declaration documents for the specifics regarding such requirements.

This declaration will be noted on the title of the property—binding management, monitoring and reporting responsibilities upon current and future owners.

If you wish to discuss this matter further, please contact Didi Tian on telephone number 4837 3458 quoting the above reference number.

Yours sincerely,

Didi Tian  25/11/13  
**Natural Resource Management Officer**  
**Central Region, DNRM**



## Voluntary Declaration Notice

s19E – 19K of the Vegetation Management Act 1999

### 1. Request information

- 1.1. **Proponent's name:** Middlemount Coal Pty Ltd  
A.C.N. 122 348 412
- 1.2. **Registered interest:** Nil
- 1.3. **Date request received:** 11 July 2013
- 1.4. **Request:** To declare areas to be areas of high nature conservation value
- 1.5. **Property description:** Lot 2 on SP248577 – Isaac Regional Council
- 1.6. **Land tenure:** Freehold
- 1.7. **Decision reference:** 2013/003919 (for Vegetation Management Clearing Applications 2010/002706, 2010/003611, 2012/006251 & EPBC 2010/5394 - Middlemount Coal Stage 2 Project under the *Commonwealth Environment Protection and Biodiversity Act, 1990*)

### 2. Declaration information

#### 2.1. Declaration made:

The Chief Executive of the Department of Natural Resources and Mines declares the area identified on Declared Area Map (2013/003919) as an area of high nature conservation value in accordance with s19F of the *Vegetation Management Act 1999*.

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

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

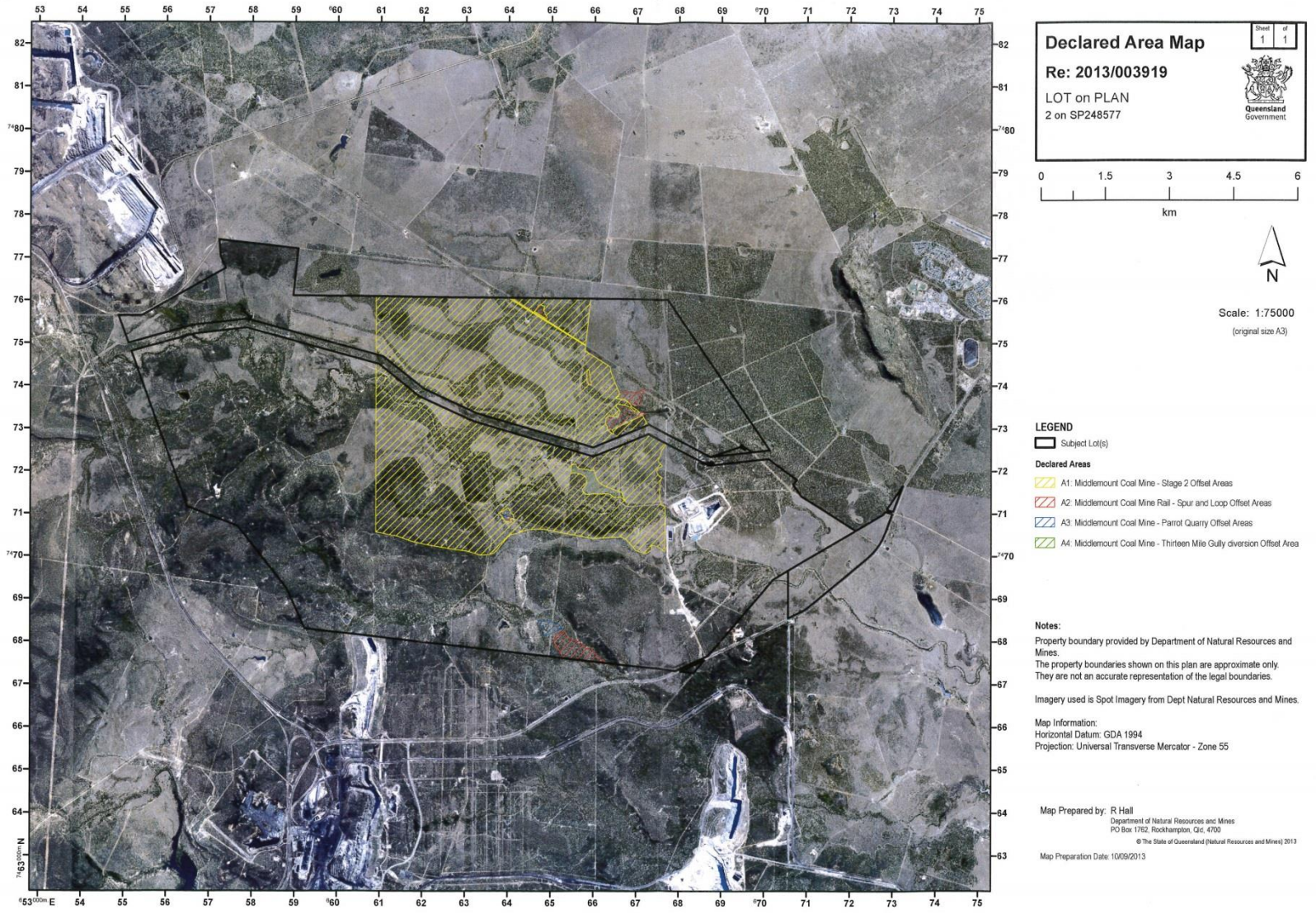
- an area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity;
- an area that makes a significant contribution to the conservation of biodiversity;

The documents outlined in 2.2 form part of this declaration.

#### 2.2. Voluntary declaration documents:

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

- Declared Area Map (2013/003919)



- Middlemount Coal Mine Offset Management Plan / Vegetation Management Plan, August 2013 Revision 2

2.3. **Property Map of Assessable Vegetation**

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

- Declared Area PMAV 2013/003919

2.4. **Date of declaration: 25 / 11 / 2013**

3. **Delegated officer's signature**

Peter Hall



**Senior Vegetation Management Officer**

25 / 11 / 2013

## Information Notice for PMAV application 2013/003919

Section 20B (2) *Vegetation Management Act 1999*

### 1. PMAV Application:

Case 2013/003919 for a Property Map of Assessable Vegetation (PMAV) over Lot 2 on SP248577

### 2. Applicants:

Middlemount Coal Pty Ltd A.C.N 122 348 412

### 3. Decision:

Convert the proposed relevant areas to category A as requested (as per certified PMAV)

### 4. Assessing Officer: Didi Tian

### 5. Date of Notice: 25/11/2013

### 7. Delegated Officer

Peter Hall

 25/11/2013  
Senior Vegetation Management Officer

**How to apply for an internal review.**

Section 63 (1) The Vegetation Management Act 1999

*A person who is given, or is entitled to be given an information notice about a decision made under this Act may apply for an internal review of the decision.*

If you wish to apply for an internal review of this decision you must, within 20 business days of receiving this notice;

- (a) supply enough information for the chief executive of DERM or a delegated officer to decide the application and-
- (b) be in an approved form.

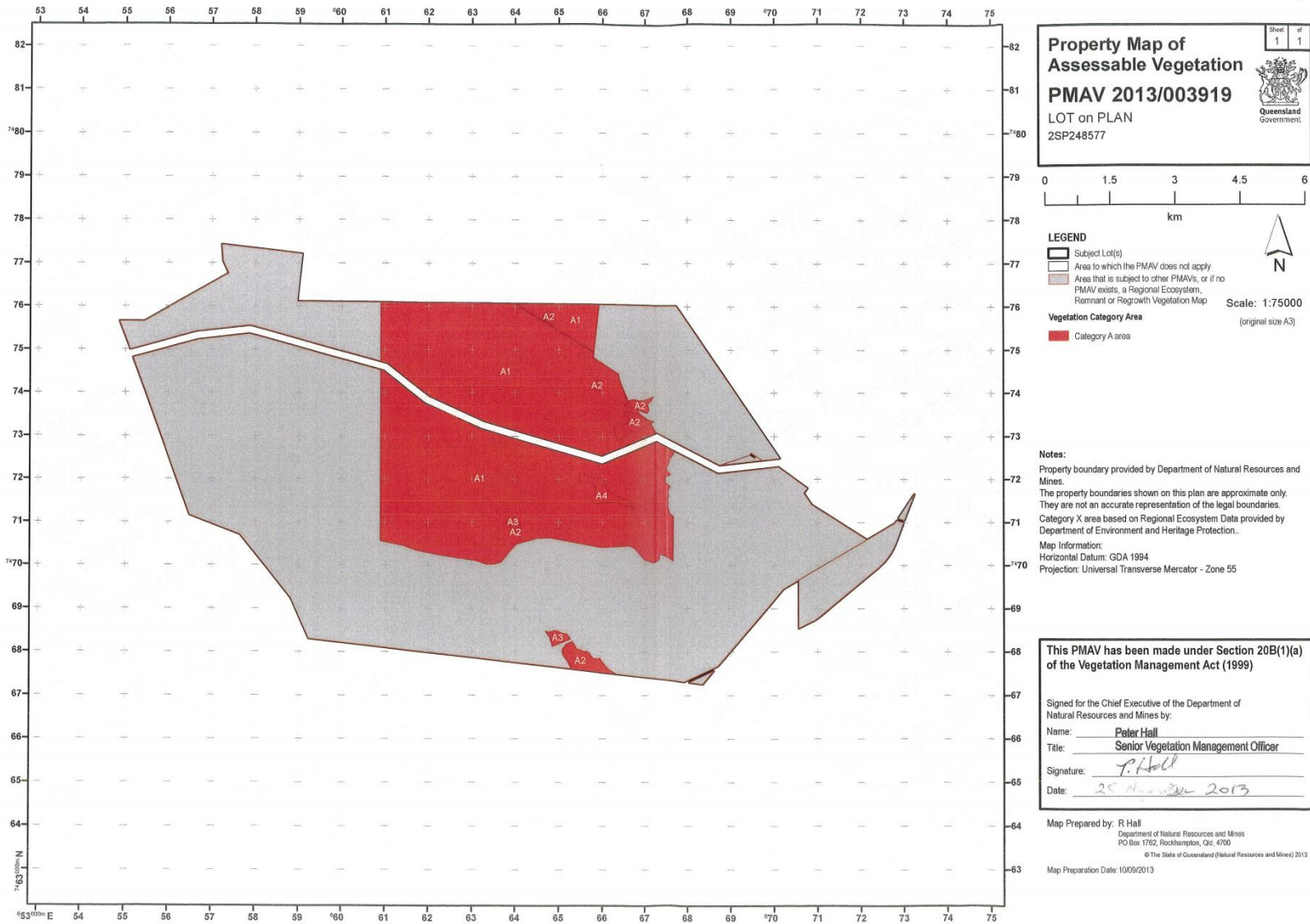
You may, within 20 business days of receiving this notice, request the chief executive of DERM or a delegated officer, to extend the time for making an internal review application.

Upon receiving a request for an internal review, the chief executive or a delegated officer must, within 30 business days, review the original decision and make a review decision to-

- (a) confirm the original decision or,
- (b) amend the original decision or,
- (c) substitute another decision for the original decision

The chief executive of DERM or a delegated officer must then provide a review decision in accordance with QCAT Act section 157(2).

A person who is dissatisfied with a review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.



## VDEC and PMAV for Western Extension EPBC 2017/8130

Author - Mystie Bickey  
File / Ref number - 0319004655 1739568  
Unit - Vegetation Management Unit  
Phone - 48373419

17 October 2019

Mr Jordaan Gerrie  
Middlemount Coal Pty Ltd  
GPO Box 241  
BRISBANE QLD 4001

Dear Mr Gerrie

**Re: Certification of a voluntary declaration on 2 SP248577 - Isaac Regional Council**

This is to advise you that a voluntary declaration on 2 SP248577 - Isaac Regional Council has been certified—consistent with your agreement—by the Department of Natural Resources and Mines (DNRM) on 17 October 2019. A copy of each of the following certified documents is attached for your records:

- Declaration notice
- Declared area PMAV
- Declared area management plan

Additional copies of the certified documents are attached for each registered owner listed on your original application form. These have been sent to you for distribution, as you are the nominated contact on the application form.

If a registered owner requires additional copies of the certified documents, these can be purchased at Department of Natural Resources and Mines Customer Service Centre.

Please note, that in accordance with the declaration, management of the declared area, monitoring the condition of the declared area, and reporting on the condition of the declared area will be required. Please refer to the declaration documents for the specifics regarding such requirements.

Level 1, State Government Centre  
200 Brisbane Street  
PO Box 1762  
Rockhampton  
4700 Qld  
Telephone + 61 (07) 4837 3300  
Facsimile + 61 (07) 4837 3421  
Website [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)  
ABN 59 020 847 551



Department of  
Natural Resources,  
Mines and Energy

This declaration will be noted on the title of the declared area—binding management, monitoring and reporting responsibilities upon current and future owners.

If you wish to discuss this matter further, please contact Jason Countryman on telephone number (07) 4837 3411 quoting the above reference number.

Yours sincerely

Mystie Bickey  
Administration Officer

## Voluntary Declaration Notice

ss19E – 19L of the Vegetation Management Act 1999

### 1. Details of request

- 1.1. **Proponent's name:** Middlemount Coal Pty Ltd (Mr Gerrie Jordaan)
- 1.2. **Date request received:** 19 September 2019
- 1.3. **Request:**
  - An area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity.
  - An area that makes a significant contribution to the conservation of biodiversity.
- 1.4. **Property description:** Lot 2SP248577 – Isaac Regional Council.
- 1.5. **Land tenure:** Freehold
- 1.6. **Decision reference:** 2019/004055

### 2. Declaration information

- 2.1. **Declaration made:**

The Chief Executive of the Department of Natural Resources, Mines and Energy declares the area identified on Declared Area Map DAM 2019/004055 as an area of high nature conservation value in accordance with Section 19F of the *Vegetation Management Act 1999*.

The chief executive considers the declared area to meet the following criteria under Section 19G of the *Vegetation Management Act 1999*—

The declared area is an area of high nature conservation value under Section 19G(1)(b), as the area is one or more of the following:

  - o An area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity.
  - o An area that makes a significant contribution to the conservation of biodiversity

The documents outlined in 2.2 form part of this declaration.

- 2.2. **Voluntary declaration documents:**

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

  - Declared area map (DAM 2019/004055)
- 2.3. **Property Map of Assessable Vegetation**

In accordance with s20D of the *Vegetation Management Act 1999*, the following Property Map of Assessable Vegetation has been prepared for the declared area.

  - Declared area PMAV (DA PMAV 2019/004056)

### 2.4. Date of declaration:

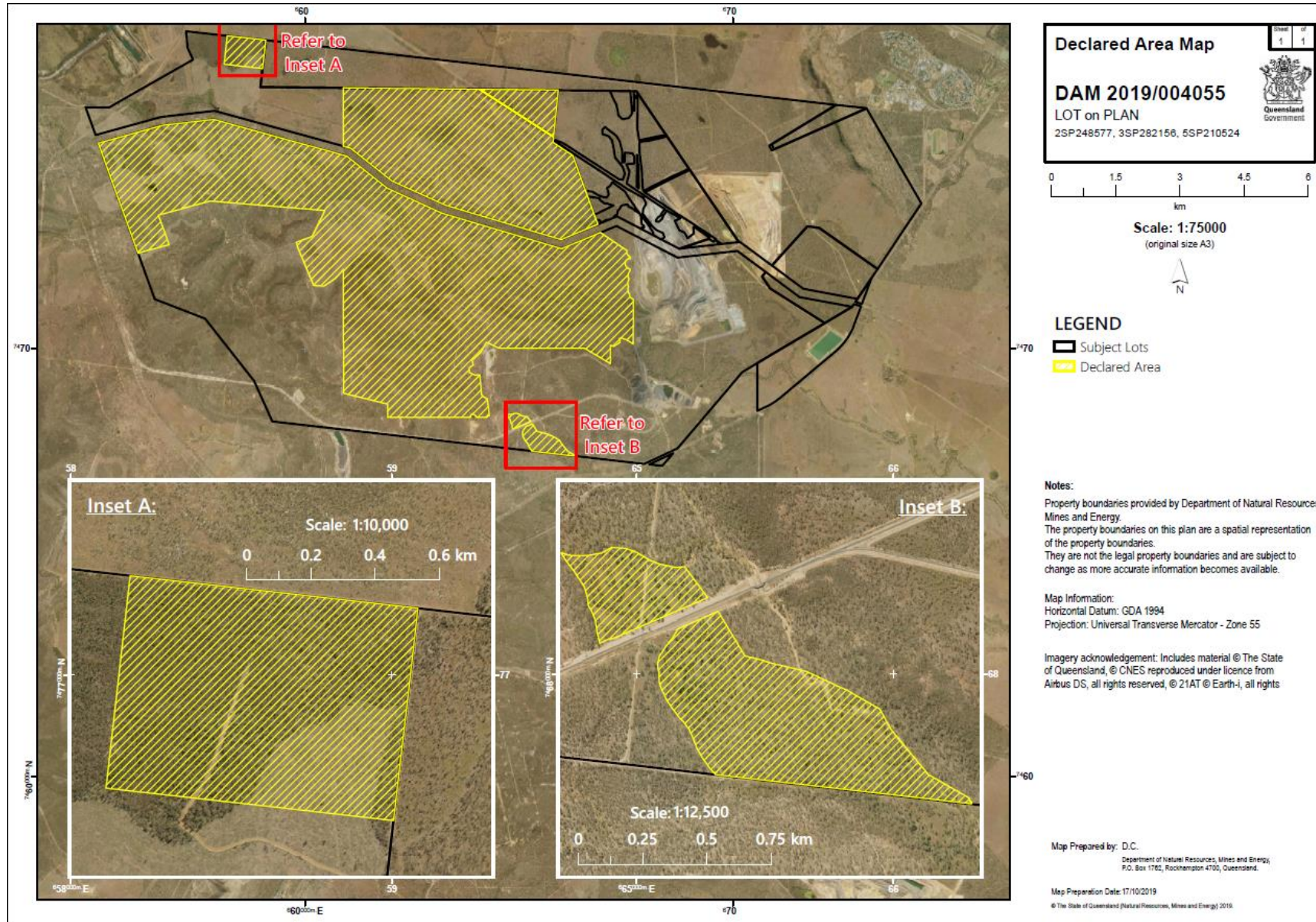
17 October 2019

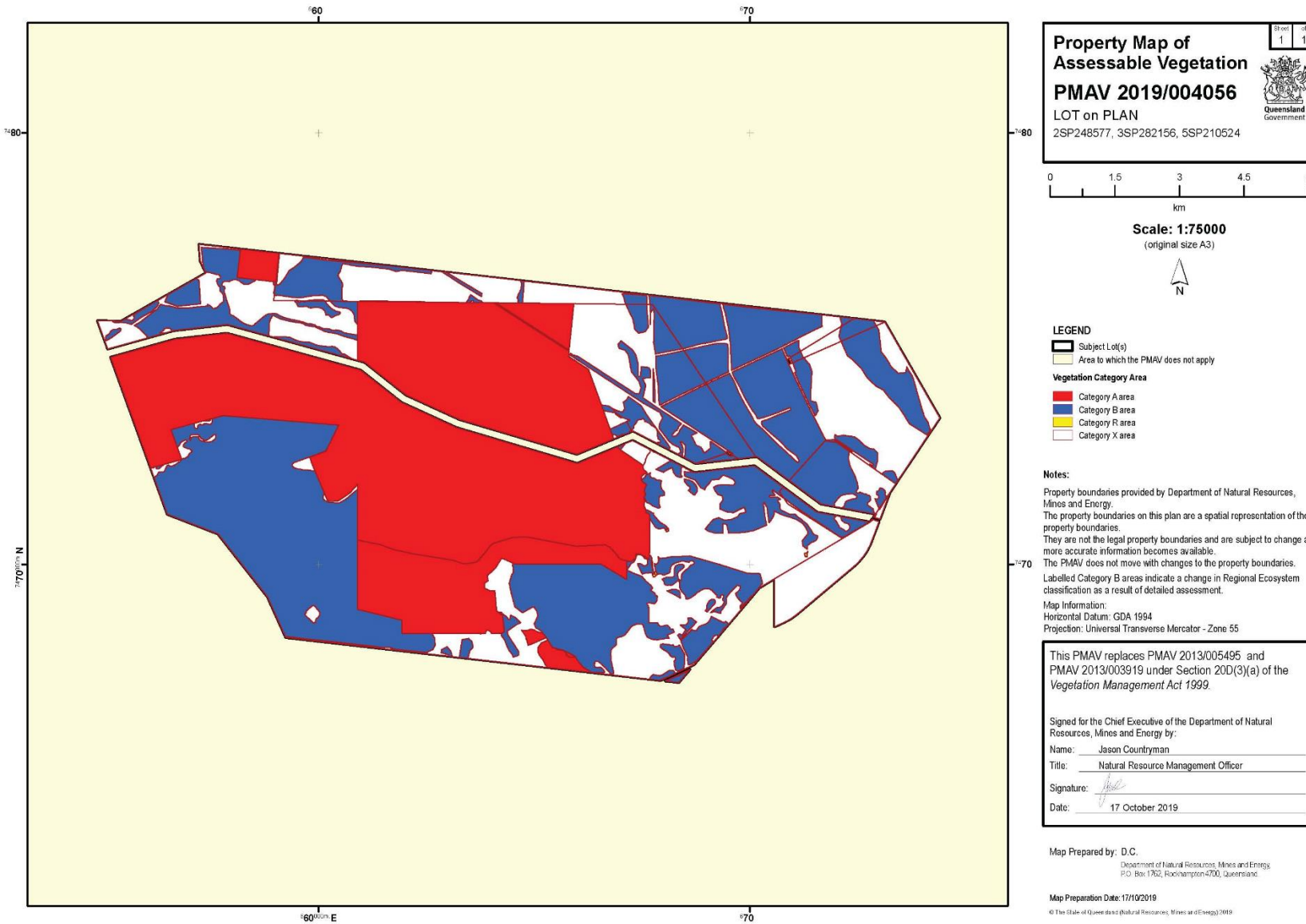
### 3. Delegated officer's signature



Jason Countryman  
Natural Resource Management Officer  
Central Region







## APPENDIX D - E mail to SEWPaC addressing Conditions 3 and 4

**Leeanne Pattinson**

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**From:** Graham Chase  
**Sent:** Friday, 21 December 2012 4:52 PM  
**To:** 'post.approvals@environment.gov.au'  
**Cc:** 'Catherine.Twigg@environment.gov.au'; Gerrie Jordaan; Alex Mumme  
**Subject:** Middlemount Coal SEWPaC Conditions Submission  
**Attachments:** Ltr-SEWPAC (CT)-01 (21 December 2012).pdf

Catherine,

In accordance with Conditions 3 and 4 for the Middlemount Coal Project (Stage 2) Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) approval (EPBC 2010/5394), please find attached a report containing the following documents:

- Middlemount Coal Mine Water Management Plan.
- Middlemount Coal Mine Erosion and Sediment Control Plan.
- Management of Potential Water-Related Impacts on Matters of National Environmental Significance.

Conditions 3 and 4 require that the above documents are submitted to the Department of Sustainability, Environment, Water, Population and Communities within six months of the EPBC Act approval (2010/5394) and prior to commencement of operations within Area B. Middlemount Coal confirms that these documents (attached) have been provided within six months of the EPBC Act approval (7 September 2012) as required, and prior to the commencement of operations in Area B. Middlemount Coal intends to commence operations in Area B in accordance with the approval.

Regards

**Graham Chase**  
Senior Environmental Advisor



M: 0477 343 362  
P: 07 4985 0059  
E: [gchase@middlemountcoal.com.au](mailto:gchase@middlemountcoal.com.au)

PO Box 24  
Middlemount QLD 4746

## APPENDIX E – Letter to SEWPaC stating the commencement date of the action

100 Edward Street,  
Brisbane QLD 4000  
GPO Box 241  
Brisbane QLD 4001  
P : (617) 3179 2000  
F : (617) 3179 2098  
E : info@middlemountcoal.com.au



28 September 2012

Justin Keast  
Mining Environment Assessment and Compliance Division  
Department of Sustainability, Environment, Water, Population and Communities  
PO Box 787  
Canberra ACT 2601

Dear Justin

**RE: Middlemount Coal Mine (Stage 2) (EPBC 2010/5394)  
Commencement of the Action**

In accordance with Condition 6 of the EPBC Act approval (EPBC 2010/5394), this letter advises the Department of Sustainability, Environment, Water, Population and Communities that the Middlemount Coal Mine (Stage 2) (the action) commenced 17 September 2012.

Middlemount confirms that the contact person for the action is currently Mr Graham Chase.

Please do not hesitate to contact me (07 3179 2060) should you have any queries.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Gerrie Jordaan", is written over a circular blue stamp. The signature is fluid and cursive.

Gerrie Jordaan  
Chief Executive Officer

## APPENDIX F - E mail to Advise Revised Offset Management Plan Published on Website

### Leeanne Pattinson

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**From:** Taylor, Alex <Alex.Taylor@environment.gov.au>  
**Sent:** Tuesday, 29 April 2014 8:49 AM  
**To:** Leeanne Witcher  
**Cc:** Graham Chase; jgleeson@ResourceStrategies.com.au; Gerrie Jordaan; Strike, Kelly  
**Subject:** RE: MCPL OMP/VMP Publication [SEC=UNCLASSIFIED]

Hi Leeanne,

Thank you for the confirmation of publication of the revised OMP/VMP. This satisfies condition 13 of the approval.

I also need to advise that we've shuffled monitoring responsibilities for a number of EPBC projects – the Middlemount Coal stage 2 project will now be monitored by my colleague Kelly Strike (CC'd into this email). It's been great working with you on this project.

Kelly will be in touch.

Regards  
Alex

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**From:** Leeanne Witcher [mailto:lwitcher@middlemountcoal.com.au]  
**Sent:** Thursday, 10 April 2014 3:16 PM  
**To:** Taylor, Alex  
**Cc:** Graham Chase; jgleeson@ResourceStrategies.com.au; Gerrie Jordaan  
**Subject:** MCPL OMP/VMP Publication

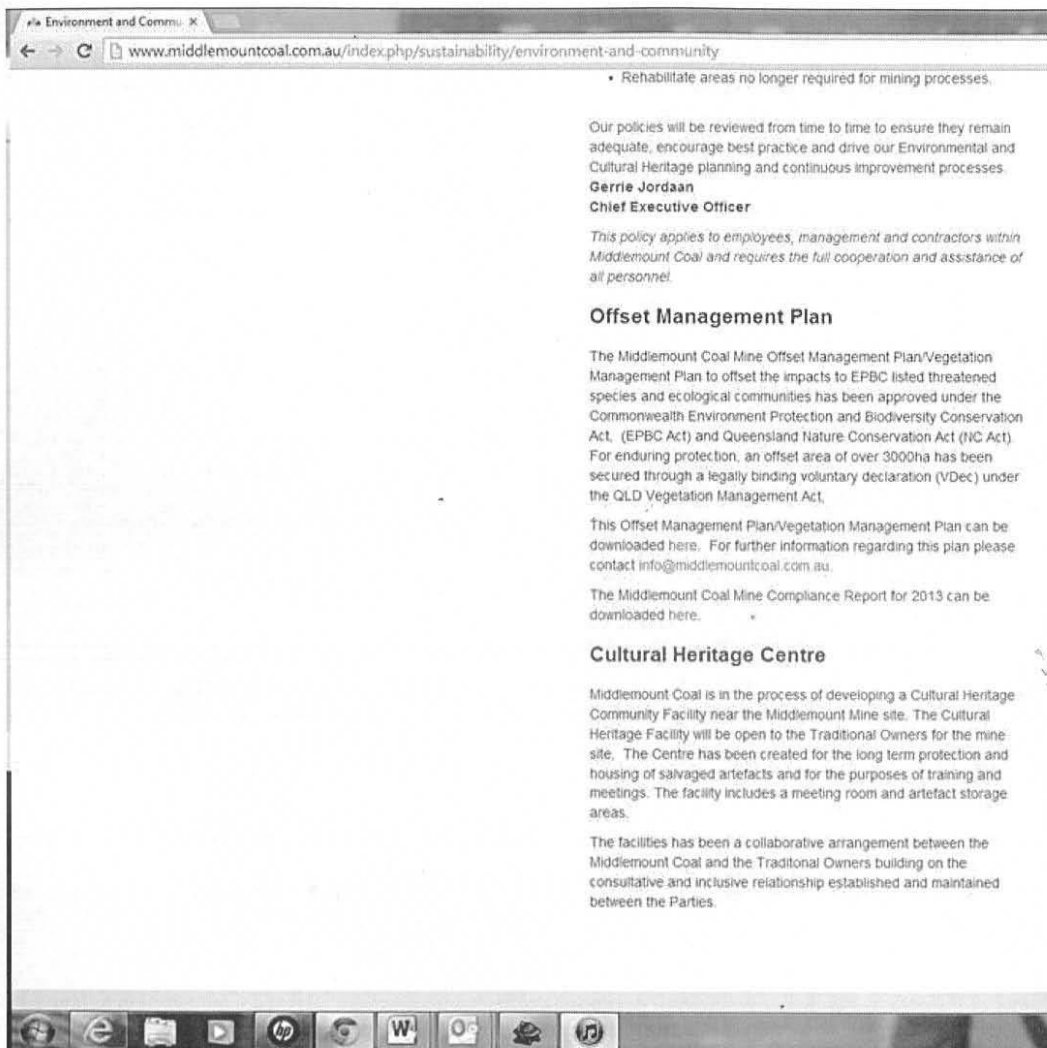
Hi Alex,

With reference to your below correspondence, the Department of Environment approved Middlemount Coal's revised Offset Management Plan/Vegetation Management Plan on 18 March 2014.

An approval condition of the OMP/VMP states that:

*Condition 13 - Unless otherwise agreed to in writing by the Minister, the person taking the action must publish the management plan, referred to in Condition 1, of approval on their website. Each plan must be published on the website within one month of being approved.*

This e mail is to demonstrate that the revised plan was published on the Middlemount Coal website within one month of approval. Please find below a screen shot of the Middlemount Coal website:



Should you have any questions, please don't hesitate to contact Graham Chase or myself.

Kind Regards,

**Leeanne Witcher**  
Environmental Officer



P: 07 4985 0005  
E: [lwitcher@middlemountcoal.com.au](mailto:lwitcher@middlemountcoal.com.au)

PO Box 24  
Middlemount QLD 4746

