

Compliance report

Drake Coal Project, Collinsville, Queensland
EPBC 2010/5457
7 November 2014 to 7 November 2015



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1 Introduction

The Drake Coal Mine is an open cut coal mine located in the northern Bowen Basin approximately 17 km south of the town of Collinsville and is owned by Drake Coal Pty Ltd (Drake). Approval under section 130(1) and 133 of the *Environment Protection & Biodiversity Conservation Act 1999* was granted on 22 April 2014 and a variation to the approval was granted on 22 October 2014, both to Drake Coal Pty Ltd (Drake Coal). The EPBC Act referral and approval reference is 2010/5457.

Construction commenced on 7 November 2014 and the *Drake Coal Project* is now referred to as the *Drake Coal Mine* (DCM). The approval is subject to 23 conditions and has effect until 31 December 2044. This compliance report is required by Condition 17 of the approval and has been prepared for the Commonwealth 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 develop and operate an open-cut coal mine, and associated infrastructure, located approximately 17 km south of Collinsville, in north Queensland

The EPBC Act approval decision encompasses the following controlling provisions:

Controlling Provision	Decision
<i>Listed threatened species and communities (sections 18 & 18A)</i>	<i>Approve</i>
<i>A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)</i>	<i>Approve</i>

Impacts to migratory species (sections 20 and 20A) were not deemed a controlling provision by the as impacts were not assessed as significant.

1.1 Drake Coal corporate details

Drake Coal is a subsidiary of QCoal Pty Ltd (QCoal). QCoal is a privately owned Queensland company based in Brisbane and has been active in Queensland coal exploration and mining over the last 25 years.

Street address:	Drake Coal Pty Ltd Level 15/40 Creek Street Brisbane QLD 4000
Postal address:	Drake Coal Pty Ltd PO Box 10630 Adelaide Street Brisbane QLD 4000
Contact number:	(07) 3002 2900

1.2 Description of activities

The DCM is an open-cut mining operation located in the northern Bowen Basin and approximately 17 km south of Collinsville township. Access to the DCM is via the State-controlled Bowen Developmental Road, and the abutting Collinsville Newlands Branch rail line system connects to the Port of Abbot Point where all coal products are shipped to international customers (Figure 1).

The DCM is permitted to extract up to 10 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal to produce approximately 6 Mtpa of combined coking and thermal coal products for the export market. The operations at DCM occur 24 hours per day, 7 days per week.

The resource target is the Moranbah Coal Measures which is part of the Blackwater Group. The Moranbah Coal Measures contain seven persistent coal seams. At the DCM the Moranbah Coal Measures sub-crop in a north to north-east direction and dip at low angles to the east and south-east. All coal seams have economic potential.

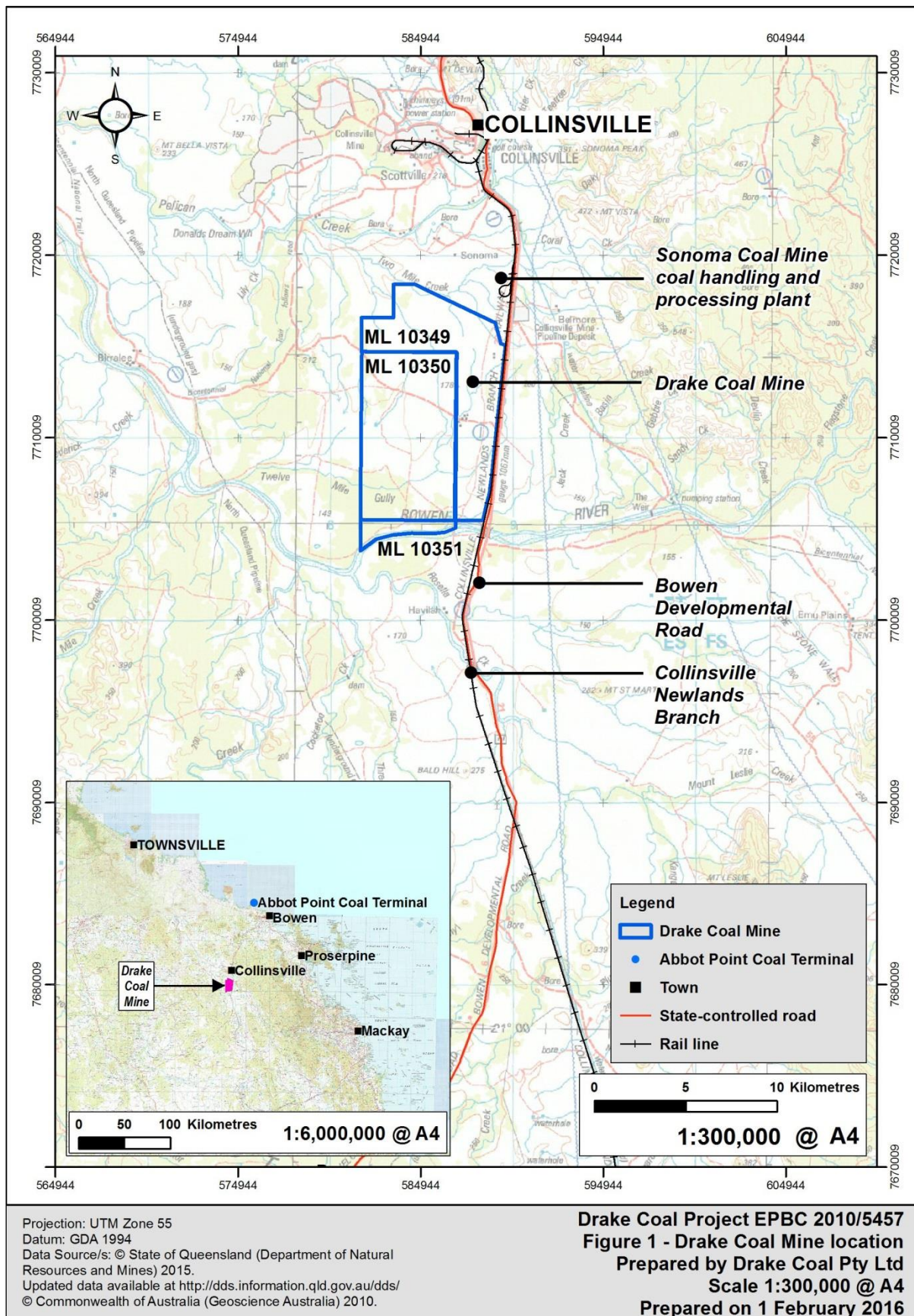


Figure 1 – Drake Coal Mine location

1.3 Declaration of accuracy

As recommended in section 3.1 of the *Annual Compliance Report Guidelines* (DotE 2014), the following declaration of accuracy is provided by the approval holder.

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (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.

Signed:



Full name: Christopher Ian Wallin

Position: Director

Organisation: Drake Coal Pty Ltd ACN 138 221 600

Date: 3 February 2016

2 EPBC approval conditions compliance table

The conditions attached to the approval granted on 22 April 2014 are replicated in Table 1 and a statement of compliance for each condition is included. The variation to the approval conditions dated 22 October 2014, specifically condition 14, is reflected in Table 1. A copy of the approval and variation to the approval conditions are provided in Appendices A and B respectively.

Table 1 – EPBC approval conditions compliance table

Condition number/ reference	Condition	Is the project compliant with this condition?	Evidence/comments
1	The project area is the area designated at Attachment A covering three Mining Lease Applications (MLA) 10349, 10350 and 10351.	Compliant	Project works are located within the project area as shown in Attachment A of the approval. Note: the Mining Lease Applications (MLA) were granted on 11 February 2014 resulting in these tenements becoming granted Mining Leases (MLs).
2	For the purpose of the action, the approval holder must not clear outside the project area.	Compliant	All disturbance completed to date is within the project area.
3	The approval holder must not clear more than: a) 176.5 hectares of primary habitat for the Squatter Pigeon (southern) b) 8.9 hectares of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) c) 2.3 hectares of Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin.	Compliant	All disturbance completed to date has occurred in areas outside of those identified as primary habitat for the Squatter Pigeon (southern), Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) or Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin.
4	If the disturbance limits stated in Condition 3 of this approval are predicted to be exceeded, the approval holder must contact the Department in writing 20 business days before reaching the disturbance limit and provide for the Minister's approval:	Compliant	To date there has been no occasion where the disturbance limits stated in Condition 3 of the approval were predicted to be exceeded.

	<ul style="list-style-type: none"> a) the actual and predicted amount of disturbance in hectares for each EPBC Act listed species and community b) justification why the approved disturbance limits require increasing, alternatives, and proposed actions to avoid, mitigate and manage impacts c) an assessment of the impact and residual impact to the EPBC Act listed species or community in accordance with the EPBC Act Significant Impact Guidelines d) a proposal to offset additional impacts to EPBC Act listed species and communities in accordance with the EPBC Act Environmental Offsets Policy. 		
5	The approval holder must submit a Biodiversity Offset Management Plan (BOMP) to the Department for the Minister's approval, outlining how offsets to address the residual impacts to the Squatter Pigeon (southern), Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) and Ornamental Snake will be managed. The approved BOMP must be implemented.	Compliant	<p>On 6 November 2015 Drake Coal submitted the <i>Drake Mine: Offset Delivery Plan</i> (the BOMP) prepared by Earthtrade (dated 6 November 2015) to the Department via email and post.</p> <p>The Department has provided comments on the submitted BOMP and Drake Coal is working with Earthtrade to revise and resubmit the document.</p>
6	The BOMP must be submitted for approval within twelve months after the commencement of construction. Clearing of EPBC Act listed species and communities must not occur until the BOMP is approved by the Minister in writing.	Compliant	<p>The commencement of construction was on 7 November 2014. On 6 November 2015 Drake Coal submitted the BOMP prepared by Earthtrade (dated 6 November 2015) to the Department via email and post.</p> <p>On 24 November 2014 the Department provided comments on the submitted document and Drake Coal is working with Earthtrade to revise and resubmit the document. Clearing of EPBC Act protected matters has not yet occurred and will not occur until the Minister has approved the BOMP in writing.</p>
7	<p>The BOMP must include, but is not limited to:</p> <ul style="list-style-type: none"> a) maps of the offset area's inclusive of the distribution 	Not applicable at	All elements of the approved BOMP will include the details described in (a) to (i) of Condition 7. At the time of lodging this report, the BOMP is under review by Drake Coal and upon completion will be

	<p>and extent (in hectares) of the EPBC Act listed species and communities to be offset in electronic Geographic Information System format</p> <p>b) evidence that the offsets have been calculated and comply with the requirements of the EPBC Act Environmental Offsets Policy</p> <p>c) details of how the offset area/s have been or will be legally secured to provide long-term protection</p> <p>d) detailed on-ground surveys, complying with relevant survey guidelines, and description of the baseline condition, attributes and values of the offset area's with respect to EPBC Act listed species and communities</p> <p>e) management measures (including timing, frequency and longevity) for each of the EPBC Act listed species and communities and other vegetation within the offset area's with written evidence of input from a suitably qualified expert who has relevant expertise in the management of native vegetation of the Bowen Basin</p> <p>f) details of how the management measures align with the relevant Conservation Advice, Recovery Plans and Threat Abatement Plans for the EPBC Act listed species and communities to be offset</p> <p>g) discussion of connectivity of the offset area's with other habitats and biodiversity corridors</p> <p>h) a description of the risks to the successful implementation of the BOMP, including mitigation measures and residual risk ratings</p> <p>i) a monitoring program for the offset area/s which must:</p> <ol style="list-style-type: none"> i. clearly set out performance indicators and milestones ii. detail how the success of the management measures against the performance indicators and milestones will be measured, recorded and 	<p>this stage</p>	<p>submitted to the Department for the Minister's approval.</p>
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	<p>reported</p> <p>iii. include monitoring scope and parameters, timing, frequency, triggers and corrective actions</p> <p>iv. detail how adaptive management strategies will be incorporated</p> <p>v. outline how compliance will be reported detail who will be undertaking monitoring, reporting, review, and implementation of the BOMP (if this person is not the approval holder).</p>		
8	The BOMP must be updated, within a timeframe specified by the Minister, to include any changes to the offsets approved by the Minister. Updates must be consistent with the requirements in Condition 7.	Not applicable at this stage	This condition applies when an action has an approved and implemented BOMP and the Minister approves changes to the approved offsets. The DCM does not currently have an approved and implemented BOMP.
9	The approval holder must, within two years of the commencement of construction (or as required under relevant Queensland legislation), register a legally binding conservation mechanism to provide long-term protection to the offset area/s approved by the Minister in the BOMP.	Not applicable at this stage	A legally binding conservation mechanism is required to be in place by 6 November 2016. Drake Coal (with Earthtrade) is currently revising the BOMP in order to meet this timeframe.
10	The approval holder must submit a Groundwater Monitoring and Management Plan (GMMP) to the Department for the Minister's approval. The approved GMMP must be implemented.	Compliant	A GMMP was submitted to the Department on 27 October 2014 and received approval from the Minister via letter dated 29 October 2014. Upon receiving approval the GMMP was, and continues to be, implemented.
11	The GMMP must be approved by the Minister in writing prior to the commencement of dewatering activities in the mining pits depicted in Figure 3 of the Environmental Management Plan.	Compliant	The GMMP was approved in writing by the Minister on 27 October 2014. Dewatering activities in the pits represented in Figure 3 of the Environmental Management Plan commenced after 7 November 2014.

12	<p>The GMMP must include, but is not limited to:</p> <ul style="list-style-type: none"> a) the groundwater quality and level triggers as described in Schedule E of the Queensland Environmental Authority b) a detailed description of the actions, including timeframes, the approval holder will take if groundwater quality and or level triggers (referred to in Condition 12a of this approval) are exceeded or predicted to be exceeded c) a strategy to conduct a landholder bore survey to determine water supply bores and water users in the vicinity of the project that may be impacted by mining activities and the potential to incorporate those bores into the groundwater monitoring program d) details of how the existing groundwater monitoring program will be expanded to better determine surface water-groundwater interaction, including monitoring locations, parameters to be measured, monitoring frequency and reporting requirements e) a numerical groundwater model to simulate and quantify groundwater drawdown extent and flow impacts on the Bowen River, and validate the assumptions and potential risks and impacts of the project on groundwater resources identified in the Environmental Impact Statement documents. The model must be developed with reference to the National Water Commission Groundwater Modelling Guidelines and must include a monitoring strategy to validate the model f) the methods, frequency and timeframes in which the GMMP and numerical groundwater model will be reviewed. 	Compliant	<p>The GMMP was approved in writing by the Minister on 29 October 2014. This approval stated that the information requirements of Condition 12 were met.</p>
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13	The Minister may by written request, require the GMMP be reviewed by a suitably qualified expert. Following any review, the GMMP must be revised and updated accordingly and submitted to the Minister for approval.	Not applicable at this stage	Drake Coal has not received a request from the Minister for the GMMP to be reviewed by a suitably qualified expert.
14	<p>Groundwater quality and levels</p> <p>a) If the groundwater quality and or level triggers referred to in Condition 12a of this approval are exceeded and an investigation is completed in accordance with Schedule E of the Environmental Authority, the approval holder must notify the Department within 3 months of becoming aware of the exceedance.</p> <p>b) If requested, the approval holder must provide copies of any exceedance investigation documents to the Department, in a timeframe agreed in writing by the Department, which state the cause, response, and actions undertaken to prevent further occurrences.</p>	Compliant	<p>The sequence of comparison, investigation, notification and reporting requirements to the Department, for any groundwater quality or level trigger level exceedance, is detailed in the GMMP based on EPBC condition 14, which has been approved by the Department.</p> <p>As per the approved notification process, to date no notification requirements to the Department have been triggered since the commencement of construction.</p>
15	Within 20 business days after the commencement of construction, the approval holder must advise the Department in writing of the actual date of the commencement of construction.	Compliant	The commencement of construction was on 7 November 2014. On 25 November 2014 the Department was notified on the commencement of construction via email. This notification was provided within 20 business days.
16	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans, strategies, reports 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	Compliant	Records of all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans, strategies, reports required by the approval are held by Drake Coal.

	approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.		
17	Within 60 business days of every 12 month anniversary of the commencement of construction, the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans, strategies, reports as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published. The compliance reports must remain on the website for the period the approval has effect.	Compliant	The publication of this report on the Drake Coal website and submission of this report to the Department represents the compliance required under Condition 17. Publication and submission of this compliance report is required by 4 February 2016 taking into account the following: <ol style="list-style-type: none"> 1. Christmas Day public holiday on 25 December 2015; 2. Boxing Day public holiday on 28 December 2015; 3. New Year's Day public holiday on 1 January 2016; and 4. Australia Day public holiday on 26 January 2016.
18	Potential or actual contraventions of the conditions of approval must be reported to the Department in writing within two business days of the approval holder becoming aware of the actual or potential contravention unless otherwise stated. All contraventions must be included in the compliance reports.	Compliant	Contraventions of the conditions of approval, potential or actual, have not occurred at the DCM.
19	Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Not applicable at this stage	A direction from the Minister to initiate an independent audit of compliance with the conditions of approval has not been received.

20	If the approval holder wishes to carry out any activity otherwise than in accordance with the management plans, strategies, reports as specified in the conditions, the approval holder must submit to the Department for the Minister's approval a revised version of that management plan, strategy, report. The varied activity shall not commence until the Minister has approved the varied management plan, strategy, report in writing. If the Minister approves the revised management plan, strategy, report, that management plan, strategy, report must be implemented in place of the management plan, strategy, report originally approved.	Not applicable at this stage	There has not been an instance where Drake Coal has wished or intended to carry out any activity otherwise than in accordance with the management plans, strategies, reports as specified in the conditions. Therefore no submission to the Department for the Minister's approval for such an activity has been made.
21	If the Minister believes that it is necessary or convenient for the better protection of EPBC Act listed species and communities or a water resource to do so, the Minister may request that the approval holder make specified revisions to the management plans, strategies, reports specified in the conditions and submit the revised management plans, strategies, reports for the Minister's written approval. The approval holder must comply with any such request. The revised approved management plans, strategies, reports must be implemented. Unless the Minister has approved the revised management plans, strategies, reports, then the approval holder must continue to implement the management plans, strategies, reports originally approved, as specified in the conditions.	Not applicable at this stage	A request from the Minister to make specified revisions to the management plans, strategies, reports specified in the conditions and submit the revised management plans, strategies, reports to the Department for the Minister's approval has not been received by Drake Coal.
22	If, at any time after five years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not applicable at this stage	The approval is dated 22 April 2014 and the action commenced on 7 November 2014.

23	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans, strategies, reports referred to in these conditions of approval on their website. Each management plan, strategy, report must be published on the website within 20 business days of being approved. The approval holder must notify the Department with five business days of publishing the management plan, strategy, report on their website and the management plan, strategy, report must remain on the website for the period the approval has effect.</p>	Compliant	<p>The approved <i>Groundwater Monitoring and Management Plan – Drake Coal Project</i> is currently published on the QCoal website: http://qcoal.com.au/wp-content/uploads/2014/11/20141024-Drake-GMMP.pdf. This document was approved on 29 October 2014 and was published on the above-mentioned website on 27 November 2014 (20 business days after approval, NB 14 November 2014 was a public holiday in Queensland). Drake Coal notified the Department of the document being published on the website on 27 November 2014 (letter and email).</p> <p>There are no other approved management plans, strategies or reports for the DCM.</p>
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Appendix A Approval, 22 April 2014



Australian Government
Department of the Environment

Approval

Drake Coal Project, Collinsville, Queensland (EPBC 2010/5457)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Drake Coal Pty Ltd

proponent's ACN (if applicable) 138 221 600

proposed action To develop and operate an open-cut coal mine, and associated infrastructure, located approximately 17 km south of Collinsville, in north Queensland [see EPBC Act referral 2010/5457].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)	Approve

Proposed conditions of approval

This approval is subject to the conditions specified below.

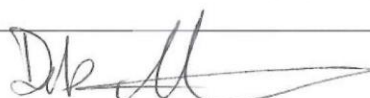
expiry date of approval

This approval has effect until 31 December 2044.

Decision-maker

name and position Deb Callister
Assistant Secretary
Queensland and Sea Dumping Assessment Branch

signature



date of decision

22 April 2014

Conditions attached to the approval

- 1) The **project area** is the area designated at Attachment A covering three Mining Lease Applications (MLA) 10349, 10350 and 10351.
- 2) For the purpose of the action, the **approval holder** must not clear outside the **project area**.

Disturbance limits

- 3) The **approval holder** must not clear more than:
 - a) 176.5 hectares of **primary habitat** for the **Squatter Pigeon (southern)**
 - b) 8.9 hectares of **Brigalow (*Acacia harpophylla* dominant and co-dominant)**
 - c) 2.3 hectares of **Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin**.
- 4) If the disturbance limits stated in Condition 3 of this approval are predicted to be exceeded, the **approval holder** must contact the **Department** in writing 20 **business days** before reaching the disturbance limit and provide for the **Minister's** approval:
 - a) the actual and predicted amount of disturbance in hectares for each **EPBC Act listed species and community**
 - b) justification why the approved disturbance limits require increasing, alternatives, and proposed actions to avoid, mitigate and manage impacts
 - c) an assessment of the impact and residual impact to the **EPBC Act listed species or community** in accordance with the **EPBC Act Significant Impact Guidelines**
 - d) a proposal to offset additional impacts to **EPBC Act listed species and communities** in accordance with the **EPBC Act Environmental Offsets Policy**.

Biodiversity Offset Management Plan

- 5) The **approval holder** must submit a Biodiversity Offset Management Plan (BOMP) to the **Department** for the **Minister's** approval, outlining how offsets to address the residual impacts to the **Squatter Pigeon (southern)**, **Brigalow (*Acacia harpophylla* dominant and co-dominant)** and **Ornamental Snake** will be managed. The approved BOMP must be implemented.
- 6) The BOMP must be submitted for approval within twelve months after the **commencement of construction**. Clearing of **EPBC Act listed species and communities** must not occur until the BOMP is approved by the **Minister** in writing.
- 7) The BOMP must include, but is not limited to:
 - a) maps of the offset area/s inclusive of the distribution and extent (in hectares) of the **EPBC Act listed species and communities** to be offset in electronic Geographic Information System format
 - b) evidence that the offsets have been calculated and comply with the requirements of the **EPBC Act Environmental Offsets Policy**
 - c) details of how the offset area/s have been or will be legally secured to provide long-term protection
 - d) detailed on-ground surveys, complying with relevant **survey guidelines**, and description of the baseline condition, attributes and values of the offset area/s with respect to **EPBC Act listed species and communities**
 - e) management measures (including timing, frequency and longevity) for each of the **EPBC Act listed species and communities** and other vegetation within the offset area/s with written evidence of input from a **suitably qualified expert** who has relevant expertise in the management of native vegetation of the Bowen Basin
 - f) details of how the management measures align with the relevant Conservation Advice, Recovery Plans and Threat Abatement Plans for the **EPBC Act listed species and communities** to be offset
 - g) discussion of connectivity of the offset area/s with other habitats and biodiversity corridors

- h) a description of the risks to the successful implementation of the BOMP, including mitigation measures and residual risk ratings
- i) a monitoring program for the offset area/s which must:
 - i) clearly set out performance indicators and milestones
 - ii) detail how the success of the management measures against the performance indicators and milestones will be measured, recorded and reported
 - iii) include monitoring scope and parameters, timing, frequency, triggers and corrective actions
 - iv) detail how adaptive management strategies will be incorporated
 - v) outline how compliance will be reported
 - vi) detail who will be undertaking monitoring, reporting, review, and implementation of the BOMP (if this person is not the **approval holder**).
- 8) The BOMP must be updated, within a timeframe specified by the **Minister**, to include any changes to the offsets approved by the **Minister**. Updates must be consistent with the requirements in Condition 7.
- 9) The **approval holder** must, within two years of the **commencement of construction** (or as required under relevant Queensland legislation), register a legally binding conservation mechanism to provide long-term protection to the offset area/s approved by the **Minister** in the BOMP.

Note 1: To ensure efficiency the **approval holder** may prepare and align the BOMP required under the conditions of approval with the requirements of the Biodiversity Offset Strategy required under the **Queensland Environmental Authority**, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

Groundwater Monitoring and Management Plan

- 10) The **approval holder** must submit a Groundwater Monitoring and Management Plan (GMMP) to the **Department** for the **Minister's** approval. The approved GMMP must be implemented.
- 11) The GMMP must be approved by the **Minister** in writing prior to the commencement of dewatering activities in the mining pits depicted in Figure 3 of the **Environmental Management Plan**.
- 12) The GMMP must include, but is not limited to:
 - a) the groundwater quality and level triggers as described in Schedule E of the **Queensland Environmental Authority**
 - b) a detailed description of the actions, including timeframes, the **approval holder** will take if groundwater quality and or level triggers (referred to in Condition 12a of this approval) are exceeded or predicted to be exceeded
 - c) a strategy to conduct a landholder bore survey to determine water supply bores and water users in the vicinity of the project that may be impacted by mining activities and the potential to incorporate those bores into the groundwater monitoring program
 - d) details of how the existing groundwater monitoring program will be expanded to better determine surface water-groundwater interaction, including monitoring locations, parameters to be measured, monitoring frequency and reporting requirements
 - e) a numerical groundwater model to simulate and quantify groundwater drawdown extent and flow impacts on the Bowen River, and validate the assumptions and potential risks and impacts of the project on groundwater resources identified in the Environmental Impact Statement documents. The model must be developed with reference to the National Water Commission Groundwater Modelling Guidelines and must include a monitoring strategy to validate the model
 - f) the methods, frequency and timeframes in which the GMMP and numerical groundwater model will be reviewed.
- 13) The **Minister** may by written request, require the GMMP be reviewed by a **suitably qualified expert**. Following any review, the GMMP must be revised and updated

accordingly and submitted to the **Minister** for approval.

Note 2: To ensure efficiency the **approval holder** may prepare and align the GMMP required under the conditions of approval with the requirements of the groundwater monitoring program required under the **Queensland Environmental Authority**, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

Groundwater quality and levels

- 14) The **approval holder** must notify the **Department** in writing within 10 **business days** if the groundwater quality and or level triggers referred to in Condition 12a of this approval are exceeded, and if requested, provide copies of any exceedance investigation documents to the **Department**, in a timeframe agreed in writing by the **Department**, which state the cause, response, and actions undertaken to prevent further occurrences.

General

- 15) Within 20 **business days** after the **commencement of construction**, the **approval holder** must advise the **Department** in writing of the actual date of the **commencement of construction**.
- 16) The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement management plans, strategies, reports 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 **Department's** website. The results of audits may also be publicised through the general media.
- 17) Within 60 **business days** of every 12 month anniversary of the **commencement of construction**, the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans, strategies, reports as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. The compliance reports must remain on the website for the period the approval has effect.
- 18) Potential or actual contraventions of the conditions of approval must be reported to the **Department** in writing within two **business days** of the **approval holder** becoming aware of the actual or potential contravention unless otherwise stated. All contraventions must be included in the compliance reports.
- 19) Upon the direction of the **Minister**, the **approval holder** must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
- 20) If the **approval holder** wishes to carry out any activity otherwise than in accordance with the management plans, strategies, reports as specified in the conditions, the **approval holder** must submit to the **Department** for the **Minister's** approval a revised version of that management plan, strategy, report. The varied activity shall not commence until the **Minister** has approved the varied management plan, strategy, report in writing. If the **Minister** approves the revised management plan, strategy, report, that management plan, strategy, report must be implemented in place of the management plan, strategy, report originally approved.
- 21) If the **Minister** believes that it is necessary or convenient for the better protection of **EPBC Act listed species and communities** or a water resource to do so, the **Minister** may request that the **approval holder** make specified revisions to the management plans, strategies, reports specified in the conditions and submit the revised management plans, strategies, reports for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved management plans, strategies, reports must be implemented. Unless the **Minister** has approved the revised management plans,

strategies, reports, then the **approval holder** must continue to implement the management plans, strategies, reports originally approved, as specified in the conditions.

- 22) If, at any time after five years from the date of this approval, the **approval holder** has not **substantially commenced** the action, then the **approval holder** must not **substantially commence** the action without the written agreement of the **Minister**.
- 23) Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all management plans, strategies, reports referred to in these conditions of approval on their website. Each management plan, strategy, report must be published on the website within 20 **business days** of being approved. The **approval holder** must notify the **Department** with five **business days** of publishing the management plan, strategy, report on their website and the management plan, strategy, report must remain on the website for the period the approval has effect.

Definitions

Approval holder: person to whom the approval is granted.

Brigalow (*Acacia harpophylla* dominant and co-dominant): the threatened ecological community listed under the **EPBC Act**.

Business days: measured in Queensland in relation to the doing of any action, any day other than a Saturday, Sunday or public holiday.

Commencement of construction: any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for mining, buildings or infrastructure.

Department: the Australian Government Department administering the **EPBC Act**.

Environmental Management Plan: the Drake Coal Project Environmental Management Plan, September 2013.

EPBC Act: the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offsets Policy: the *EPBC Act Environmental Offsets Policy* (October 2012).

EPBC Act listed species and/or community/ies: threatened species or ecological communities listed under the **EPBC Act**.

EPBC Act Significant Impact Guidelines: the Matters of National Environmental Significance, Significant Impact Guidelines 1.1, *Environment Protection and Biodiversity Conservation Act 1999*.

Minister: the Minister administering the **EPBC Act** and includes a delegate of the Minister.

Natural Grasslands of the Queensland Central Highlands and the northern Fitzroy Basin: the threatened ecological community listed under the **EPBC Act**.

Ornamental Snake: the Ornamental Snake (*Denisonia maculata*), listed as a threatened species under the **EPBC Act**.

Primary habitat (Squatter Pigeon (southern)): open *Eucalyptus* spp. and *Corymbia* spp. dominated woodland (Regional Ecosystems 11.3.30 / 11.3.9 / 11.3.7 / 11.3.4 in mixed polygon) adjacent to and within three kilometres of the Bowen River within the **project area**.

Project area: the area defined in Condition 1 of this approval as the project area.

Queensland Environmental Authority: the Environmental Authority (EPML00393013) issued by the Queensland Government under the *Environment Protection Act 1994* for Drake Coal Pty Ltd.

Squatter Pigeon (southern): the Squatter Pigeon (southern) (*Geophaps scripta scripta*), listed as a threatened species under the **EPBC Act**.

Substantially commence/d: the extraction of coal from the **project area** for the purpose of commercial production. Substantially commenced does not include test extraction or extraction of coal samples for quality assurance prior to commercial production.

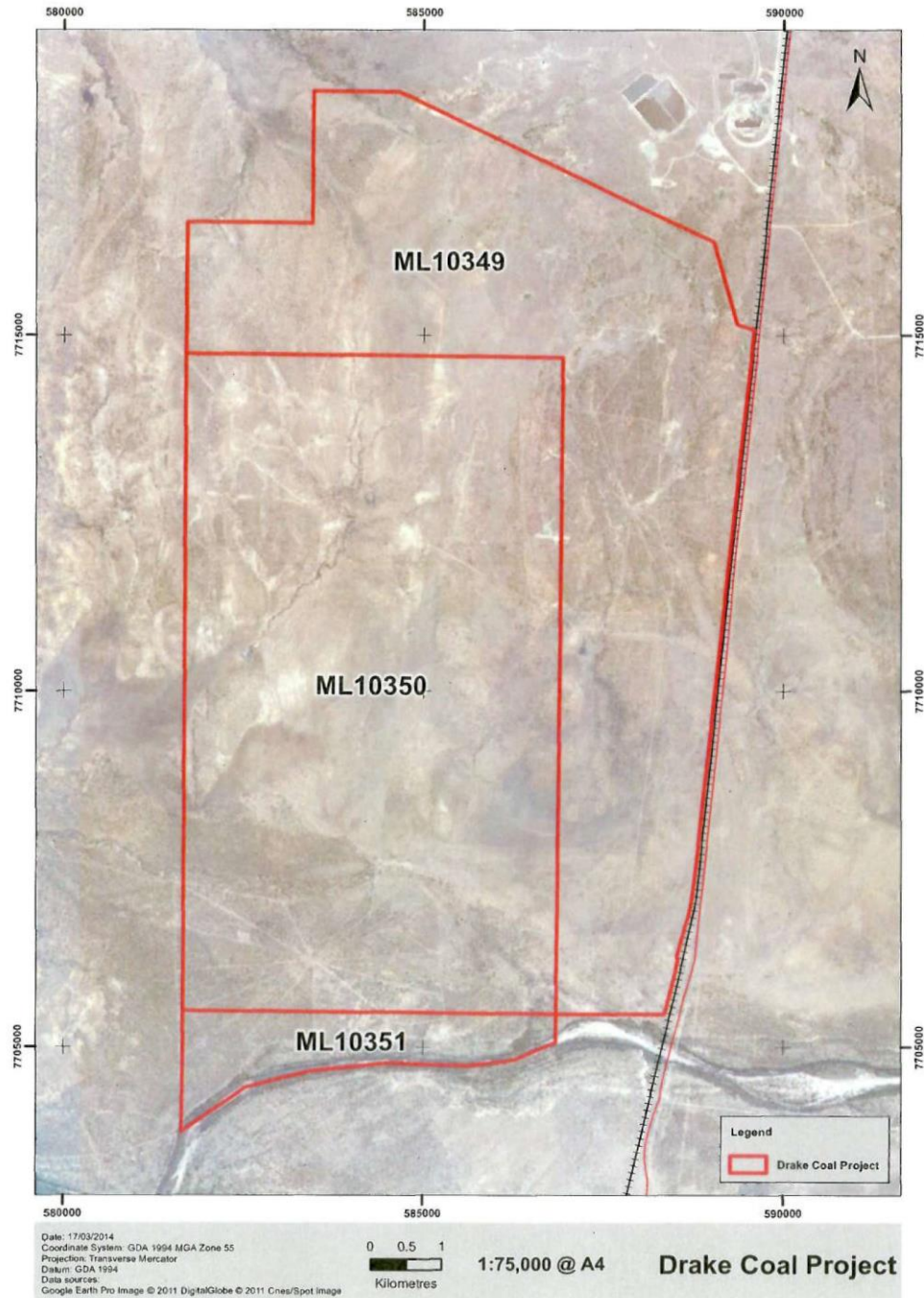
Suitably qualified expert: a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using the relevant protocols, standards, methods or literature.

Survey Guidelines:

Survey guidelines for Australia's threatened birds, Guidelines for detecting birds listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*

Survey guidelines for Australia's threatened reptiles, Guidelines for detecting reptiles listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*

Attachment A



Appendix B Variation to conditions attached to the approval, 22 October 2014

Australian Government
Department of the Environment

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Drake Coal Project, Collinsville, Queensland (EPBC 2010/5457)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

Person to whom the approval is granted	Drake Coal Pty Ltd ACN: 138 221 600
Approved action	To develop and operate an open-cut coal mine, and associated infrastructure, located approximately 17 km south of Collinsvale, in north Queensland [see EPBC Act referral 2010/5457]

Variation

Variation of conditions of approval	The variation is: Delete condition 14 of the approval dated 22 April 2014 and substitute the condition specified below.
Date of effect	This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position	Shane Gaddes Assistant Secretary Compliance and Enforcement Branch
Signature	
Date of decision	22 October 2014

Conditions attached to the approval

(14) Groundwater quality and levels

(a) If the groundwater quality and or level triggers referred to in Condition 12a of this approval are exceeded and an investigation is completed in accordance with Schedule E of the **Environmental Authority**, the **approval holder** must notify the **Department** within 3 months of becoming aware of the exceedance.

(b) If requested, the **approval holder** must provide copies of any exceedance investigation documents to the **Department**, in a timeframe agreed in writing by the **Department**, which state the cause, response, and actions undertaken to prevent further occurrences.